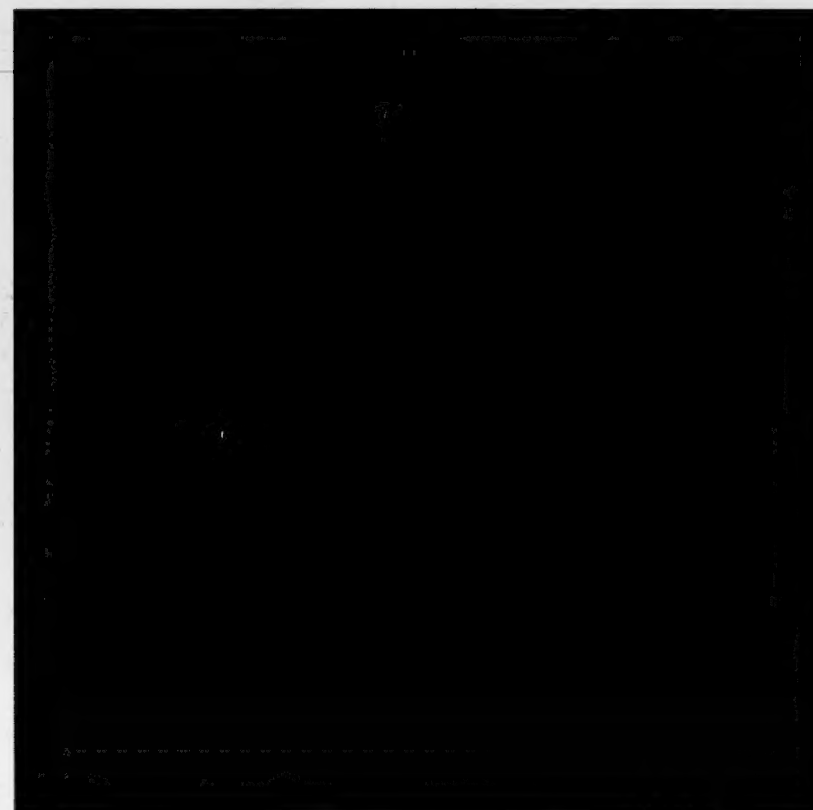
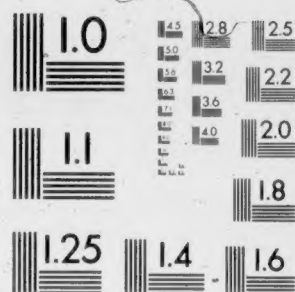
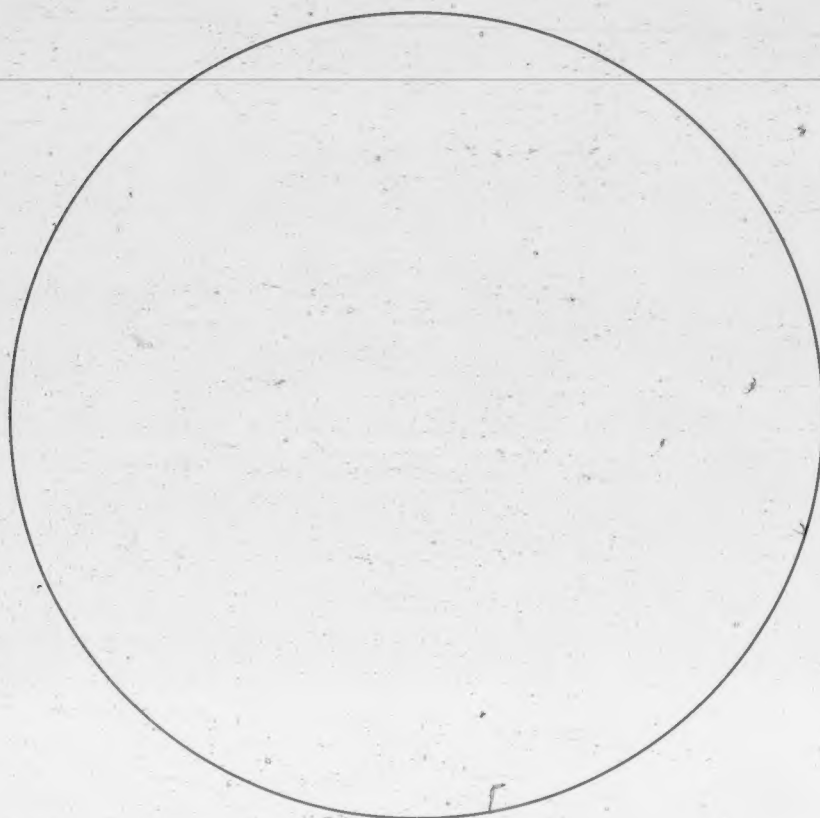
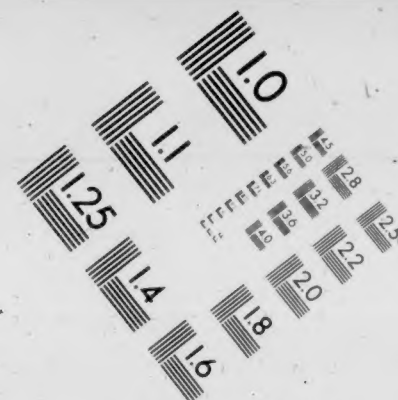
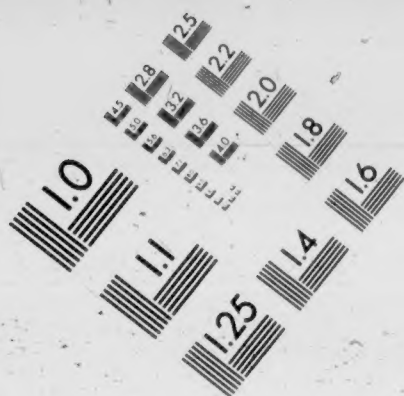
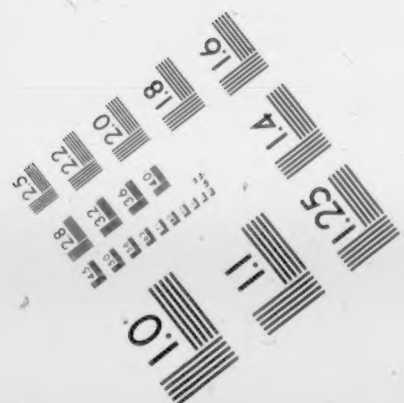
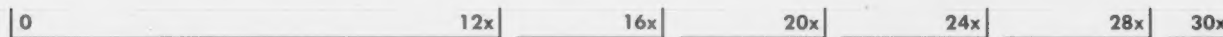




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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 138

MISSISSIPPI CHOCTAW MCR 4677-4777

THE NATIONAL ARCHIVES
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GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Choctaw MCR 4677

Katy Gay

MCR 4677

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Katy Gay, et al., for
identification as Mississippi Choctaws, M.C.R. 4677.

List of papers forwarded to the Secretary of the Interior
embracing the record in the case of Katy Gay, et al.,

	(Page)
Original application of Katy Gay, et al., before the Dawes Commission for identifi- cation as Mississippi Choctaws.....	1
Affidavit of Cathrin Franklin.....	6
Decision of the Commission refusing the appli- cation of Katy Gay, et al., for identifica- tion as Mississippi Choctaws.....	7

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 10, 1902.

4677

In the matter of the application for identification as Mississippi Choctaws of Katy Gay for herself and her two minor children, John Henry and Lillie Ann Ella Bell Gay.

Applicants not represented by attorney.

Katy Gay being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Katy Gay.
Q What is your age? A Thirty-four.
Q What is your post office address? A Wynnewood, Indian Territory.
Q How long have you lived there? A About one year.
Q Where did you live before that? A Berwin, Indian Territory.
Q Where did you live before that? A Why I moved to Guthrie.
Q Where were you born? A Born in Alabama.
Q How long did you live in Alabama? A I was born and raised and married there.
Q And moved from there when? A I have been away from there about twelve years.
Q And you went from Alabama? A To Little Rock.
Q Arkansas? A Yes, sir.
Q And from there where? A To Guthrie.
Q Is your father living? A No, sir.
Q Is your mother living? A I don't know.
Q What was your father names? A Poles Whiteside.
Q What was your mother's name? A Sally Whiteside, but she is married again.
Q What is her present name? A Sally Kirk.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A Why about one-fourth I reckon, she was about one-half.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as such by the Choctaw tribal authorities in Indian Territory? No, sir; not that I know of.
Q Have you a husband living? A Yes, sir.
Q What is his name? A Joe Gay.
Q What is Joe's blood? A He is colored and Indian mixed.
Q You make any claim for him as a Choctaw Indian or don't you know? A I don't know.
Q Have you any children under age for whom you want to make application? A Two.
Q What is the name of the oldest? A John Henry Gay.
Q How old is he? A Seventeen years.
Q What is the name of the next? A Lillie Ann Ella Bell Gay.
Q How old is she? A Six years.
Q That is all you have? A Yes, sir; two.

#2

- Q You claim for yourself and the children? A Yes, sir.
Q Are these the children of Joe Gay? A Yes, sir.
Q And live with you at your home? A Yes, sir.
Q Was he ever married before his marriage to you? A No, sir.
Q Were you ever married before your marriage to him? A No, sir.
Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes, the Choctaw tribal authorities, or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article of that treaty? A Do I understand it?
Q Yes, sir? A Yes; I think so.
Q Would you like to have it explained to you any further? A They way I look at it, like an agreement between you and me.

Yes it is an agreement only it was made between Nations instead of between people, the United States government being one party to the agreement and the Choctaw Nation then living in Mississippi and Alabama being the other party to the compact, and the object of that agreement was the removal of the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their intertests article fourteen was put into the treaty. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of the treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that, do you? A I don't know.
Q You understand the object of that treaty was to get the Indians to come from that Country to this? A Yes, sir.
Q That article fourteen was put into the treaty for the benefit of those Indians who wanted to stay there; you understand that? A Yes, sir.
Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Polly Boyd.
Q Did Polly Boyd or any of your Choctaw ancestors comply with article fourteen of that treaty. Did they do these things? A I don't know whether they did or not.

#3

- don't know whether they did or not.
- Q You don't know whether they went to the Indian Agent within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become a citizen of the United States? A Yes, sir; they stayed there.
- Q How do you know? A My mother told me.
- Q You claim through your mother? A Through my mother and grandmother.
- Q Sally Kirk is your mother's name? A Yes, sir.
- Q What was her maiden name? A Sally Boyd.
- Q What was her mother's name? A Polly Boyd.
- Q What was your grandmother's maiden name? A I don't know.
- Q But she married a Boyd did she? A I reckon so.
- Q Did she live in Mississippi in 1830? A Yes, sir.
- Q Did she have a family there at that time? A I don't know whether she did or not.
- Q Were either of your parents slaves before the War? A No, sir.
- Q Were either Sally Boyd's father or mother slaves before the War? A No, sir.
- Q Was your father a slave before the War? A I don't know.
- Q Any of his people? A I don't know anything about his people.
- Q How much Choctaw blood did Polly Boyd have? A She was a full blood.
- Q How do you know? A I was taught so.
- Q Matter of family history and tradition? A I don't know sir.
- Q You heard it talked in the family about her having Choctaw blood? A Oh! Yes, sir; my mother always told me that she was a full blood Choctaw.
- Q How old is your mother? A Sixty-five.
- Q Where was she born? A She was born some place in North Alabama I don't know just where.
- Q Was her mother Polly Boyd born in Mississippi? A I don't know where she was born.
- Q What years did she live in Mississippi, Polly Boyd? A She was there in 1830 and I don't know how long before or since.
- Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Yes, sir.
- Q How do you know? A My grandmother did.
- Q How do you know she had improvements on land in Mississippi in 1830? A They said so.
- Q Who said so? A My mother.
- Q Five years after the treaty of 1830 was made Polly Boyd was living in another state? A I don't know.
- Q You said she was born in North Alabama? A Yes sir.
- Q Therefore Polly Boyd was in North Alabama sixty-five years ago, was she not? A Yes, sir; I reckon so.
- Q How do you know that five years before that she had lands in Mississippi? A They said she had land there right after the treaty.
- Q Did you ever hear of Colonel Ward? A No, sir.
- Q He was the United States Indian Agent who lived in Mississippi. Did you ever hear that Polly Boyd went to him and stated that she wanted land in Mississippi? A No, sir.
- Q Did she own or claim any land in Mississippi under article fourteen of the treaty of 1830? A Yes, sir.
- Q How do you know? A They said she did.
- Q How long did she live on it? A I don't know.
- Q Did she live on it for five years? A I don't know.
- Q Five years after the treaty she went to North Alabama according to your story? A I don't know how long she stayed there but she was there at the time of the treaty, so my parents said.

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- Q Did she claim any lands in Mississippi or Alabama under any other article of the treaty of eighteen hundred and thirty than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did she claim any benefits as Choctaw Indian under any treaty made between the government of the United States and the Choctaw Indians other than the treaty of 1830? A I don't know.
- Q Did she ever go before the Commission appointed by act of Congress approved March 3, 1837 or the Commission appointed by act of Congress approved August 23, 1842 and claim benefits as a Choctaw Indian under article fourteen of the treaty of 1830? A Did she?
- Q Yes; A I don't know whether she did or not.
- Q These Commissions were appointed because of the complaints of Choctaw Indians who claimed that they had gone before Colonel Ward the United States Indian Agent within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in the state of Mississippi, take land there, but that he had failed to put their names upon his list known as Ward's register. You never heard that any of your ancestors went before either of them? A No, sir; I did not.
- Q Did you ever hear that any of your ancestors received any lands in Mississippi, Alabama, Louisiana or Arkansas which were given to them to replace the lands which the government had taken from them in the state of Mississippi and right to select which was evidenced by scrip which was issued to them under the act of Congress approved August 23, 1842? A I don't know.
- Q Have you any evidence of any kind that you want to present now in support of this claim? A No, sir.
- Q Would you like time in which to present such evidence? A Yes, sir.

A reasonable time will be allowed this applicant for such purpose.

- Q Do you speak the Choctaw language? A No, sir.
- Q Did Polly Boyd speak the Choctaw language? A I don't know whether she did or not.
- Q Have you any relatives who have appeared here to be identified as Mississippi Choctaws claiming through Polly Boyd? A No, sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry,

- Q Do you claim any white blood? A No, sir.

She has either a mixture Negro and white or Negro and Indian. She says she has no white blood. Her hair is black and nearly straight; dark complexion, dark brown eyes, features are thin and have a reddish cast and would indicate a strain of Indian blood. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled

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same on February 10, 1902, and that the above and foregoing is
a full, true and correct transcript of his stenographic notes
in said name on said date of February 1902.

St. Rosemire, K. L.

Subscribed and sworn to before me this 10 day of February 1902.

Clara Mitchell Wood

Notary Public.

CONFIDENTIAL

Mr. C. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Katy Gay, et al., for identification as Mississippi Choctaws, H.C.R. 4677.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Katy Gay, for herself and her two minor children, John Henry and Lillie Ann Ella Bell Gay, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of one Polly Boyd, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Polly Boyd, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Katy Gay, John Emory Gay, and Lillie Ann Ella Belle Gay, as Choctaw

Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED)

Tame Dixby.

Acting Chairman

(SIGNED)

T. B. Needles.

Commissioner

(SIGNED)

C. R. Breckinridge.

Commissioner

Muskogee, Indian Territory

DEC 8 1902

M.C. 4677

Muskogee, Indian Territory, February 28, 1902.

Joe Gay,

Wynnewood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of affidavit of Catherine Franklin inclosed with your letter of the twenty sixth instant for filing in support of the application of Katy Gay, et al. for identification as Mississippi Choctaws. The same has been made a part of the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, December 6, 1902.

Katy Gay,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Katy Gay, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Katy Gay, John Henry Gay and Lillie Ann Ella Belle Gay, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

K 0 2

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby

Acting Chairman.

Registered.

COP^v

M C R 4677.

Muskogee, Indian Territory, December 6th, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Katy Gay, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Katy Gay, John Henry Gay and Lillie Ann Ella Belle Gay, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNER

Sam Dixie.

Acting Chairman.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the Record in the case of Katy Gay, et al., applicants to the Commission for identification as Mississippi Choctaws,, including the decision of the Commission of December 6, 1902.,

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 4677.

Land.
#5169-1902

COPY
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 13, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Katy Gay, for herself and two children, John Henry and Lilly Ann Ella Bell Gay, wherein a decision adverse to the applicants was rendered by the Commission on December 6, 1902.

It appears from the evidence in this case that the applicants base their claims to identification on their descent from one Pelly Boyd, who, it is claimed, was a citizen of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The Commission bases its decision rejecting these parties on the ground that its records fail to show that Pelly Boyd ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that the name of Pelly Boyd is not included in the list of those

-2-

persons who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and it is, therefore, recommended that the decision of the Commission rejecting these parties be approved.

Very respectfully,

A. C. Tenner

Acting Commissioner.

E.B.H. H'r.

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DEPARTMENT OF THE INTERIOR.
WASHINGTON.

ITD.1654-1903.
LRS.

March 13, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Katy Gay and her minor children, John Henry Gay and Lillie Ann Ella Bell Gay, including your decision of December 6, 1902, adverse to the applicants.

The applicants claim to be descendants of one Polly Boyd, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Polly Boyd complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 13, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision; a copy of his letter is enclosed.

-2-

The Department has reviewed the record and hereby affirms the decision rendered.

Respectfully,

F.L. Campbell.

Acting Secretary.

1 inclosure.

COPY.

M.C.R. 4677.

Muskegee, Indian Territory, March 23, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Katy Gay, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

Tame Dixie.

Chairman.

M.C.R. 4677

Muskogee, Indian Territory, March 23, 1903.

Katy Gay,

Wynnewood, Ind. Ter.

Dear Madam:

You are hereby notified that on the 13th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Katy Gay, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

SIGNED,

James D. Talty
Chairman.

For Identification as a Mississippi Choctaw.

Date

FEB 10 1902

Name *Katy Gay* —

Age *34* — Blood *1/4*

Post Office, *Wynnewood, D. C.*

Father: *Pales Whiteside, d*

Mother: *Sally Kirk, —*

Claims through *Mother, 1/2*
~~husband,~~

for Gay.

No claim for husband, cal & ind.

Children:

John H. Gay, 17

Lillie A. E. B. Gay 6

*Claims for self &
children*

Stenographer *G. Lawrence*

Choctaw MCR 4678

Hattie A. Davis

MCR 4678

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 11, 1902.

4678

In the matter of the application for identification as Mississippi Choctaws of Hattie A. Davis for herself and her three minor children, Dasie Alice, Bertha May and Henry Algin Davis.

Attorney W. N. Redwine representing applicants.

Hattie A. Davis being first duly sworn testifies:

Examination by the Commission.

- Q What is your name? A Hattie A. Davis.
Q What is your age? A Fifty-three.
Q What is your post office address? A Pittsboro.
Q What state? A Mississippi.
Q How long have you lived at Pittsboro? A All my life.
Q What county is that? A Calhoun.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A John McGuire.
Q What was your mother's name? A Elizabeth E.
Q Through which parent do you claim Choctaw blood? A Well on both sides, my mother's father was an Indian, my grandfather Smith.
Q How much Choctaw blood do you claim? A He was a full blood, grandfather.
Q You claim how much? A My great grandmother on my father's side was a full blood.
Q Well how much do you claim? A Well I don't know, I could not say. I would be about on-sixth or one eighth I reckon.
Q One-eighth do you think? A Yes, sir; I reckon.
Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A Well, I think so.
Q In the Indian Territory; have they ever lived here? A They never lived here.
Q They never have been enrolled here then? A No, sir.
Q Have you proof of the marriage of your father and mother with you? A No, sir.
Q Can you tell when and where they were married? A In Mississippi.
Q What place in Mississippi? A Choctaw.
Q What date? A I could not tell you.
Q You think you could introduce that evidence later if given time? A Yes, sir.

A reasonable time will be allowed for that purpose.

- Q Have you a husband living? A Yes, sir.
Q What is his name? A Virgil L. Davis.
Q Has he any Choctaw blood? A No, sir; not that I know of.
Q He is a white man of course? A Yes, sir.
Q You make no claim for him? A No, sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Yes, sir.

#2

- Q What is the name of the oldest? A Dasie Alice.
Q D-a? A s-i-e.
Q How old is she? A Seventeen.
Q What is the name of the next? A Bertha May.
Q Davis? A Yes, sir.
Q What is her age? A Fifteen.
Q What is the name of the next? A Henry Algin.
Q How old is he? A Thirteen.
Q Is Virgil L. Davis the father of these children? A Yes, sir.
Q Are they living with you at your home? A Yes, sir.
Q You make claim for yourself and these children? A Yes, sir.
Q Is your name, or the names of your children, on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir, not before this.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
Q Have you ever before this time sought to become enrolled and sought to secure the enrollement of these children as members of the Choctaw tribe by making application to either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Do you now come before the Commission for the purpose of being identified and for the identification of these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you understand article fourteen of the treaty of 1830? A I have had it explained.
Q Do you think you understand it without a further explanation or would you like to have it further explained? A I don't know; I think I understand it.

The treaty of eighteen hundred and thirty was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the twenty-seventh of September of that year. The object of the treaty was to secure the removal of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama, from that old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, with the other Indians and in order to protect their interests article fourteen was drawn up and inserted in the treaty, the treaty was then signed and afterwards, on the 24th day of February 1831, ratified with that article in it. The article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age,

to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That was article fourteen which was put into that treaty at that time, before the treaty was signed and which was satisfactory to those Indians who remained in the old Choctaw Nation as well as the other Indians who removed under the provisions of this treaty.

- Q Do you know if any of your Choctaw ancestors complied with any of the provisions of that article of that treaty or attempted to?
A I don't know.
- Qx You understand this now do you? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Smith, my grandfather Smith.
- Q What was the full name? A Dick Smith.
- Q What relation was he to you? A My Grandfather.
- Q On which side? A My mother's father.
- Q Your maternal grandfather? A Yes, sir.
- Q Do you claim anything,--any Choctaw descent from the other side; from your father's side? A Yes, sir.
- Q Through whom do you claim through? A My great grandmother,--- my father's mother, Tobitha Watson.
- Q This is your paternal grandmother or great grandmother? A Great-grandmother.
- Q How much Choctaw blood did Dick Smith have if you know? A Full blood.
- Q How much Choctaw blood did Tobitha Watson have? A Full blood.
- Q Did your maternal grandfather Dick Smith live in Mississippi in 1830? A Yes, sir.
- Q Did he have a family in Mississippi at that time? A No, sir.
- Q Did Tobitha Watson live in Mississippi in 1830? A Yes, sir.
- Q Did she have a family there then? A Yes, sir.
- Q Do you know how old Dick Smith would be if living now? A No, sir.
- Q You don't know when he died? A No, sir; he has been dead some time.
- Q You know when and where he was born? A No, sir I do not.
- Q Did he ever live in any other State except the state of Mississippi? A Not that I know of.
- Q Did he speak the Choctaw language? A I don't know I never saw him, only from hearsay, my mother telling me.
- Q Have all of your ancestors going back from yourself to Dick Smith always lived in the state of Mississippi? A Yes, sir.
- Q Have all of your ancestors going back from yourself to Tobitha Watson always lived in the state of Mississippi? A in Mississippi and Alabama.
- Q In what counties in Alabama? A I don't know that.
- Q You are now living in Mississippi, are you; that is your home? A Yes, sir.
- Q At Pitsboro? A Yes, sir; born and raised right there.
- Q Did any of your Choctaw ancestors either on your father or mother's side ever own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

- Q Did any of your Choctaw ancestors on either your father or mother's side within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, whose name was Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your ancestors if Choctaw Indians go from that old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation Indian Territory between the years 1835 and 1838 with the other Indians? A No, sir.
- Q They always remained in Mississippi and Alabama? A Yes, sir.
- Q Did any of your Choctaw ancestors own any land in Mississippi or Alabama or claim any as Choctaw Indians under article fourteen of the treaty of 1830? A I think so.
- Q Who claimed land under article fourteen of the treaty of 1830? A I just could not tell you exactly.
- Q You are not able to give their names? A No, sir.
- Q You know where this land was that was claimed by any of them? A If they did it was in Choctaw.
- Q In Choctaw County in Mississippi? A Yes, sir.
- Q Is that where the old Choctaw Nation was formerly? A Yes, sir.
- Q Did any of your Choctaw ancestors on either your father or mother's side claim any benefits or any land in Mississippi under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty do you know? A No, sir.
- Q Did any of them claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No, sir; not that I know of.

The Choctaw Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified refusing to go to the Indian Territory under that treaty, with the other Indians, were required if they wanted to take advantage of article fourteen of the treaty of eighteen hundred and thirty, to go to the United States Indian Agent, whose name was Colonel Ward, and signify to him their intention to remain in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. It is estimated that at least six thousand Indians remained in the old Choctaw Nation, of that number a large proportion went to Colonel Ward and made their claims under article fourteen of the treaty of 1830, but, Ward's register contains the names of only seventy-one heads of families out of all that number. His failure to make a complete list of all the Choctaw Indians who went before him and made declarations pursuant to the provisions of article fourteen of the treaty of 1830 caused a good many Indians who had land in Mississippi upon which they had improvements to lose them both were taken from them by the government and sold at the public land sales. This caused a great many complaints among the Indians especially those to lost land and as the result of the complaints made, Congress appointed a Commission in 1837 by act approved March 3 of that year and this Commission went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed by Congress under an act approved August 23, 1842, and that Commission also went to the state of Mississippi and heard claimants under article fourteen of that treaty. Both of these Commissions made lists of the names of all Choctaw Indians who came before, each one of them, respectively.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and claim benefits under article fourteen of the treaty of 1830? A No, sir; I don't.

The act of Congress approved August 23, 1842, provided; that, if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also further appeared that he had had land in Mississippi which the government had taken from him that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A No.
- Q Have you any proof that you want to submit further, any documentary evidence or any witness that you want to call? A Yes, sir; I can get up witnesses.
- Q You have them here? A No, sir.
- Q You have no further proof here then? A No, sir.
- Q No documentary evidence? A No, sir.
- Q Do you want time in which to submit further proof? A Yes, sir.

Attorney here asks for time in which to submit further proof.

- Q On request of attorney a reasonable time will be allowed this applicant in which to furnish proper evidence in support of this claim.

- Q Do you speak the Choctaw language or understand it? A No, sir.
- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A Yes, sir.
- Q Can you give their names? A Sophie Powell.
- Q Any others? A Yes, sir.
- Q Give their names please? A Julia Stephens they all came before the Commission.
- Q Any others, you remember? A I think they are the only ones.
- Q They claim through the same ancestors through whom you claim? A Yes, sir.
- Q You want to have their cases considered with yours? A Yes, sir.

Examination by attorney Redwine.

- Q You say your great grandmother was Watson? A Yes, sir.
- Q Was that her name before she was married? A Yes, sir.
- Q Who did she marry? A Asa Langston.
- Q Was he a white man, is it your understanding? A Yes, sir.
- Q And what was your grandmother's name on your father's side? A She was a Langston.
- Q What was her given name? A Sarah Langston.
- Q What part Choctaw was she? A Her mother was a full blood.
- Q Who did she marry? A She married a McGuire.
- Q What McGuire was that? A My father, John McGuire.

By the Commission.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark complexion; black hair; dark eyes; she has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he

reported in full all the proceedings had in the above entitled cause on February 11, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

Subscribed and sworn to before me this 25 day of February 1902.

E. Rosenwinkel
Clara Mitchell Wood

Notary Public.

Muskogee, Indian Territory, October 23, 1902.

Hattie A. Davis,

Pittsboro, Mississippi.

Dear Madam:

You are hereby advised that on the 23rd day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Julia Stephens, et al., embracing the following applications for identification as Mississippi Choctaws:

Julia Stephens, et al.,	M.C.R. 1
Hattie A. Davis, et al.,	M.C.R. 4678
Robert H. Davis, et al.,	M.C.R. 4689
Henry W. McGuire,	M.C.R. 8481
John F. Davis, et al.,	M.C.R. 8422

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Julia Stephens, Bert Stephens, Mertie Stephens, Sophia Powell, Viola K. Harden, Tura Powell, Pearl L. Powell, Vivian I. Powell, Alvis P. Powell, Forrest Powell, Prentiss P. Harden,

Hattie A. Davis-----2

Hattie A. Davis, Dasie Alice Davis, Bertha May Davis, Henry Algin Davis, Robert H. Davis, Urna Fay Davis, Henry W. McGuire, John F. Davis and John W. Davis, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

John W. McGuire
Acting Chairman.

Registered.

M. T. R. 4878

COPY.

Muskogee, Indian Territory, August 27, 1904.

Hattie A. Davis,

Pittsboro, Mississippi.

Dear Madam:

You are hereby notified that on the 3d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Julia Stephens et al., of which decision you were advised by registered mail on the 23d day of October, 1902, and July 10, 1903.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Choctaw MCR 4679

James L. Mabry

MCR 4679

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of James L. Mabry, et al., for identification as Mississippi Choctaws, H C R 4679.

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

Original application of James L. Mabry, et al., for identification as Mississippi Choctaws.

Page.

1

Examination of Albert G. Mabry before the Commission in support of application.

6

Decision of the Commission refusing the application of James L. Mabry, et al., for identification as Mississippi Choctaws.

9

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4679

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 7th, 1902.

In the matter of the application of James L. Mabry for the identification of himself and five minor children, Nettie, Gracie, Ida, Claudie and Maudie Mabry, as Mississippi Choctaws.

Said James L. Mabry, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A James L. Mabry.
- Q How old are you A I am thirty-two. I was thirty-two in November.
- Q How much Choctaw blood have you? A I suppose about one-sixteenth.
- Q What is your postoffice address? A Cypress, Mississippi.
- Q What County? A Tate County.
- Q How long have you lived in Tate County? A Pretty well all my life-I went there when I was small.
- Q Where did you live before you went to Tate? A I was born in Choctaw County.
- Q You have lived in this State all your life, then? A Yes sir.
- Q Is your father living? A Yes sir.
- Q What is his name? A Ab Mabry.
- Q Is your mother living? A No sir.
- Q What was her name? A Reenie.
- Q Through which one of your parents did you derive your Choctaw blood? A My mother.
- Q How long has your mother been dead? A She died in '70.
- Q About how old was she when she died? A I suppose she was about twenty-five.
- Q Was she born and raised in the State of Mississippi? A Yes sir.
- Q What part? A Well, she was born in Choctaw County.
- Q Lived in that vicinity, did she, until her death? A Yes sir.
- Q According to your statement she was one-eighth Choctaw? A Yes, sir.
- Q Did she speak the Choctaw language? A Well, I don't know, sir.
- Q Do you? A No sir.
- Q Through which one of her parents did your mother get her Choctaw blood? A Through her father.
- Q What was his name? A Henry Box.
- Q And he was a fourth Choctaw, was he? A Yes sir.
- Q Is he living? A No sir.
- Q How long has he been dead? A Well, sir, I don't know.
- Q Do you know how old he would be if he were living now? A No sir I don't know how old he would be.
- Q Do you know where he was born? A No sir, I don't know that.
- Q You don't know anything about where he lived? A No sir.
- Q Were he and your mother's mother lawfully married? A So far as I know they were.
- Q How long did they live together as man and wife? A They lived until he died.
- Q About how long was it? A I don't know how long that was.
- Q How many children did they have? A I don't know that.
- Q How many do you know of? A Well, I know of three.

James L. Mabry et al---2

Q Through which one of his parents did Henry Box get his Choctaw blood-his father or his mother? A I can't answer that-I don't know.

Q Are you married? A Yes sir.

Q What is your wife's name? A Alice.

Q Has she any Choctaw blood? A No sir.

Q You make no claim for her, then? A No sir.

Q Have you any children living for whom you want to make application? A Yes sir.

Q How many? A Five.

Q What are their names and ages, the oldest first? A Nettie, she's about fourteen.

Q Next one? A She's about eleven, I guess.

Q What's the name? A Gracie.

Q Next one? A Seven.

Q What's the name? A Ida.

Q Next one? A Four.

Q What's the name? A Claudie.

Q Girl or boy? A Boy.

Q Next one? A Maudie.

Q How old is she? A About two.

Q Are these children all living with you at this time? A Yes sir.

Q Are they all the children of yourself and Alice Mabry? A yes sir.

Q Were you ever married more than once? A No sir.

Q This application, then, is for yourself and five minor children? A Yes sir.

Q Were you married to Alice under a license? A yes sir.

Q Have you that license with you at this time? A No sir, I have not

Q Who married you? A Well, a preacher by the name of Johns.

Q Where? A I was married in Tate County, Mississippi.

Q When? A 1887-the 20th of March.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Alice. This should be done within thirty days.

Q Is your name or the name of any one of these children on any of the Choctaw Tribal rolls in Indian Territory? A Not that I know of.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself and or any of these children to be admitted or enrolled as members of that Tribe? A No sir.

Q Have you ever made any application of any description for yourself or any of these children before today, looking to the establishment of your rights as Choctaws? A I have tried to make application for myself.

Q When? A It has been about five or six years ago I think.

Q How did you do that? A Well, I got a lawyer's name and he sent me some blanks for me to fill out and I had them filled out and sent them back to him.

Q Did you ever hear from that application? A Yes sir, I sent them off-then I failed to fix one up right and he sent it back to me and I sent it to him again and he wrote me that it was too late, that the Commission had closed I believe.

Q That was in '96, wasn't it? A Yes sir, I think so.

James L. Mabry et al---3

- Q As a matter of fact, then, your application never was filed, was it?
A No sir, I suppose not.
Q Did you ever hear anything from the Commission? A No sir.
Q That is the only effort of any kind you ever made to establish your right, is it? A Yes sir.
Q This, then, as a matter of fact, is the only and first application that has ever been made for you or these children? A Yes sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek?
A No sir, I don't.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government of the United States. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they live upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand that now? A Yes sir, I think I do.

James L. Mabry et al---4

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?

A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know, sir.

Q Did any of them, in fact, live here at that time-71 years ago? A I don't know, sir.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1836? A I don't know that.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know that.

Q Did you ever hear of any of your ancestors ever having gotten any land here in Mississippi from the Government of the United States as Choctaw Indians? A No sir.

Q Or any money from the Government? A No sir.

Q So far as you know, then, none of your ancestors have ever received any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land under this 14th article and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Indians lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek. These Commissioners were appointed by the President of the United States under this act of Congress and they came down here to Mississippi and heard a few of these Choctaw cases but there were so many that they were unable to dispose of them in the time allowed them by this act of Congress, so it became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings, so another act was passed which was approved on the 23rd day of August,

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1842, providing for the appointment of another Commission to come down here and finish up this work. This second Commission was appointed by the President and the Commissioners came down here to Mississippi and heard a great many Choctaw cases. They were down here in the 40's.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

This act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select in place of that land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir, not that I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir, I do not.

Q Have you any written evidence of any kind to offer at this time? A No sir.

Q Have you any witnesses here today? A Yes sir.

Q How many? A One.

Q What is the name of that witness? A Ab Mabry.

Q What do you expect to prove by him? A Well, I can prove that it was understood by him and talked and he knew my grandfather-he didn't deny Indian blood that he had.

Q Is that all? A Yes sir, I reckon so-he knows more than I do about it but of course I don't know hardly what could be evidence in the evidence that he knows.

Q Does he know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know, sir, whether he does or not.

Q Have you any further statements you desire to make at this time in support of your application? A No sir.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before us here between now and the 15th of this month or within a reasonable time thereafter at the general

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office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers living? A No sir.
Q Any sisters? A No sir-I have some half sisters but not by my mother.
Q Are any of your mother's brothers or sisters living? A Yes sir, some sisters.
Q How many? A Three.
Q What are their names? A Mediah Bramlett.
Q Is that a man or woman? A Woman.
Q Where does she live? A She lives in, I reckon it is Choctaw County or Webster-I don't know.
Q Has she been before the Commission? A No sir.
Q What is the name of another one? A Sallie Smith.
Q Where does she live? A She lives there in Choctaw or Webster.
Q Has she been before the Commission? A No sir.
Q What is the name of another one of your mother's sisters? A The other's one's name is Betsy Bramlett.
Q Did they marry brothers? A Yes sir.
Q Where does she live? A She lives in Choctaw or Webster County.
Q And your mother has no brothers living? A No sir.
Q Has she any brothers or sisters dead who left descendants? A She has a brother dead but -I don't know, sir-I can't answer.
Q You don't know whether he left descendants or not? A No sir.
Q Are any of the brothers or sisters of Henry Box living? A Not that I know of.
Q Are any of the descendants of any of his brothers or sisters living? A I don't know.

This applicant has the appearance of being a white man-
he has black hair and dark gray eyes-he does not speak or
understand the Choctaw language.

Albert G. Mabry, witness on behalf of applicant, being first
duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Albert G. Mabry.
Q What is your age? A Fifty-three.
Q What is your postoffice address? A Cypress, Mississippi, Tate
County.
Q How long have you lived in Mississippi? A All my life-born and
raised in Mississippi.
Q You have no Choctaw blood? A No sir, not that I know of.
Q What is your occupation? A Farming.
Q Are you any relation to the applicant who was just on the stand?
A I claim to be his father.
Q Are you interested in any way in the result of his application?
A Nothing more than nature as he is my son.
Q What was the name of his mother? A Lucind a Box.

James L. Mabry et al--7

That was her maiden name.

Q Did she ever go by the name of Rennie? A No, not as Rennie.

Q How long has she been dead? A She's been dead about thirty years--since '70.

Q Did she have any Choctaw blood? A That was always my understanding.

Q Could she speak the Choctaw language? A Not that I know of.

Q Do you know where she was born? A She was born in Mississippi.

Q Did she live here all her life? A Yes sir--that was my understanding. While I wasn't there when she was born I am satisfied she was born in Mississippi.

Q Was she older or younger than you? A She was a little younger--about a year.

Q Were you acquainted with her parents? A Yes sir.

Q Through which one of her parents did she get her Choctaw blood?

A Her father's side.

Q What was her father's name? A Henry Box.

Q How much Choctaw blood did he have? A It was always understood that he was about a fourth Indian.

Q Choctaw Indian? A Yes sir, Choctaw Indian--it was the general understanding.

Q You mean by that, in the neighborhood in which he lived it was generally understood that he had Choctaw Indian blood? A Yes sir.

Q How long has he been dead? A He's been dead since about '60--it was in the early part of the war.

Q About how old a man was he when he died? A He was very old--I don't remember.

Q Do you know where he was born? A No sir.

Q Do you know how long he lived in Mississippi immediately prior to his death? A No sir, I don't know only hearsay.

Q What was your understanding about the matter? A My understanding was that he came to Mississippi--he found his wife traveling with the Indians--he stopped and camped with the Indians close to him and he fell in love with the woman and married her.

Q When was that? A That was way back long before I was born--that was just my understanding.

Q Do you know where he came from to this State? A No sir.

Q His wife had no Indian blood? A No sir, not that I know of--she never claimed it.

Q Do you know who Henry Box's parents were? A No sir, I do not.

Q You don't know which one of them had Indian blood? A Well, it's my understanding it was from the Box side. I don't know what Henry Box's father's name was.

Q Did Henry Box speak the Choctaw language? A I suppose so.

Q Did you ever hear him speak it? A I heard him go on but I wouldn't know it if I heard it spoke. They called it Indian talk but I couldn't understand what he said.

Q Do you know where Henry Box was living in 1830? A No sir, I do not.

Q Did he associate with the white people during your acquaintance with him, entirely? A Well, during my acquaintance with him he did--Yes sir. I heard him say that while the Indians were here they were his associates but I never saw him with an Indian myself.

Q You heard me explain the 14th article of the treaty of Dancing Rabbit Creek to your son, didn't you? A Yes sir.

Q Do you know whether Henry Box or any of his ancestors ever complied with the provisions of that 14th article or ever received any benefits under it? A No sir.

James L. Mabry et al---8

Q Do you know whether any of them ever got any land here in Mississippi? A No sir.

Q Or any money? A No sir.

Q Did any of them ever live in Indian Territory? A No sir.

Q You never heard, then, of any of his people ever having received any benefits as Choctaw Indians? A No sir.

Q You heard me explain to your son about these acts of Congress of 1837 and 1842 and the Commissions appointed under them? A Yes sir.

Q Did any of the ancestors of your son appear before either of these Commissions, to your knowledge, and attempt to establish their rights?

A Not that I know of.

Q None of them ever got any of this scrip from the Government, did they? A No sir, not that I know of.

Q Do you know of any real old persons that would likely be informed as to whether any of the ancestors of ~~of~~ your son ever complied or attempted to comply with this treaty provision or ever received any benefits under it? A No sir.

Q Are there any further statements you would like to make with reference to this matter? A No sir, I don't know that there is.

Q Have any of the members of your family been before the Commission?

A No sir.

Q I want to ask you about the marriage of this man Henry Box and your wife's mother-do you know whether they were lawfully married?

A No sir, I do not.

Q How long did they live together as man and wife-do you know? A I suppose, from the children they raised, they must have lived together forty or fifty years.

Q How many children did they have? A Seven or eight to my knowledge-my wife was the youngest and the others were all older.

This witness is a white man of average intelligence.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 7, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 25th day of February, 1902, at Franks, Mississippi.

L. R. Moody
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *J. M. M.*

Deputy.

W.A.L.
Coll.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----;-----

In the matter of the application of James L. Mabry, et al., for identification as Mississippi Choctaws, M C R 4679.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by James L. Mabry for himself and his five minor children, Nettie, Gracie, Ida, Claudie and Maudie Mabry, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being

2.

descendants of one Henry Box, who is alleged to have been an one fourth blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Henry Box, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

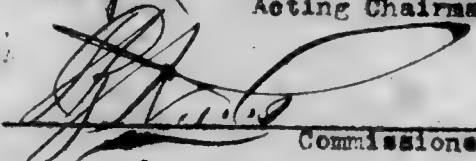
It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James L. Mabry, Nettie Mabry, Gracie Mabry, Ida Mabry, Claudie Mabry and Maudie Mabry as Choctaw Indians entitled to rights in the

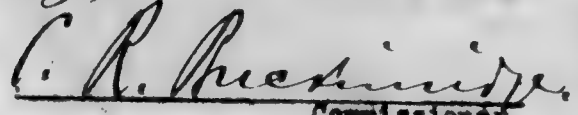
3.

Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

OCT 17 1902
_____.

Miss. Choc. 4679

Muskogee, Indian Territory, February 20, 1902.

J. L. Mabry,

Cypress, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the seventeenth instant, in which you ask if the Commission will accept the depositions of certain witnesses who are too old and feeble to appear before the Commission in support of your application.

In reply to your letter you are advised that if you are unable to secure the attendance of witnesses on any ground, which, under the rules of the Commission, would constitute inability, their depositions will be considered, when taken in accordance with the rules and regulations governing the taking of depositions in support of applications for identification as Mississippi Choctaws. A copy of said regulations is inclosed herewith for your guidance.

Yours truly,

Commissioner in Charge.

Rules for taking
depositions.

Muskogee, Indian Territory, February 27, 1902.

James T. Mabry,

Cypress, Mississippi,

Dear Sir:

Your letter of the seventeenth instant, addressed to the Secretary of the Interior, has been by him referred to this commission for consideration and appropriate action. You ask therein what testimony is required to establish your claim as a Mississippi Choctaw.

In reply to your letter you are advised that the Commission cannot advise you what amount of proof is necessary to establish your claim to identification as a Mississippi Choctaw. On the twentieth instant a letter was addressed you by the Commission advising you with reference to the procedure necessary to secure the depositions of certain witnesses in support of your application for identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, October 17, 1902.

James L. Mabry,

Cypress, Mississippi

Dear Sir:-

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of James L. Mabry, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James L. Mabry, Nettie Mabry, Gracie Mabry, Ida Mabry, Claudie Mabry and Maudie Mabry as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments

James L. Mabry-----2

in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signed)

Acting Chairman

Registered.

Muskogee, Indian Territory, October 17, 1902

Vanefield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of James L. Mabry, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James L. Mabry, Nettie Mabry, Gracie Mabry, Ida Mabry, Claudie Mabry and Maudie Mabry as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof

M. McN. & C.-----2

within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman

copy.
Muskogee, Indian Territory, November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of James L. Mabry, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 17, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tamc Dixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R.4679.

(Copy)

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67756-1902

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Jan. 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, for your consideration, application of James L. Mabry, for himself and his five minor children, Nettie, Gracie, Ida, Claudie and Maudie Mabry, for identification as Mississippi Choctaws, wherein a decision adverse to them was rendered by the Commission October 17, 1902. The testimony in this case shows that the applicants base their claim to identification on their descent from Henry Box whom it is alleged was a member of the Choctaw tribe of Indians in Mississippi in 1830, through his daughter Rennie (or Lucind) Mabry.

The Commission rejected the applicants because it did not appear from its records that the ancestors claimed under by the applicants complied or attempted to comply with the provisions of the 14th Article of the treaty of 1830.

An examination of the records of this office discloses the fact that the names of Henry Box, Rennie (or Lucind) Mabry, do not appear among the names of those Choctaw Indians who complied or attempted to comply with the 14th Article of the Choctaw treaty of 1830, neither does it appear that they applied to the Commissions appointed under Acts of March 3, 1837 (5 Stat. 160) and August 23, 1842 (5 Stat., 513) for an adjudication of their rights as Choctaw Indians, if they had such rights.

2.

It is therefore respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. JONES,

Commissioner.

C. T. C.

L.

D.C.No.4570-1903.

(COPY)
DEPARTMENT OF THE INTERIOR.

BAF.

ITD.912-1903.

WASHINGTON.

February 11, 1903.

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Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 3, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of James L. Mabry and his minor children, Nettie, Gracie, Ida, Claudie and Maudie Mabry, including your decision of October 17, 1902, adverse to the applicants.

The applicants claim to be descendants of one Henry Box, who is alleged to have been a one-fourth blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Henry Box or an ancestor less remote complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting January 24, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

The Department finds no reason to disturb your decision and hereby affirms the same.

Respectfully,

(Signed)

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 2376

Muskogee, Indian Territory, February 24, 1903.

James L. Mabry,

Cypress, Mississippi.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James L. Mabry, et al., of which decision you were advised by registered mail on the 17th day of October, 1902.

Respectfully,

James L. Mabry
Chairman.

CC.

Muskogee, Indian Territory, February 24, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James L. Mabry, et al., of which decision you were advised by mail on the 17th day of October, 1902.

Respectfully,

John H. ...
Chairman.

#1719

No. 4679

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date FEB 7 1902

Name James L. Mabry

Age 32

Blood 1/16

Post Office, Cypress, Miss.

Father: Ab Mabry

Mother: Rennie

Claims through mother
wife, Alice Mabry

no claim for wife

Claims through mother

Children:

Vettie Mabry

14

Gracie

11

Ira

7

Claudie

(m) 4

Maudie

(p) 2

Mother: Rennie

L

Enographer

J. Miles

Choctaw MCR 4680

Emma Oakes

See MCR 4686

MCR 4680

4680

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 7th, 1902.

In the matter of the application of Emma Oakes for the identification of herself and one minor child, Alma Oakes, as Mississippi Choctaws.

APPEARANCES; S.A. Beadle, Attorney for applicants
A.W. Jones, Agent for applicants.

Said Emma Oakes, being first duly sworn, testified as follows

Examination by the Commission.

- Q What is your name? A Emma Oakes.
Q How old are you? A Twenty-three.
Q How much Choctaw blood have you? A One-eighth.
Q What is your postoffice address? A Yazoo City, Mississippi.
Q How long have you lived there? A All my life.
Q Is your father living? A Yes sir.
Q What's his name? A Thomas Johnson.
Q Where does he live? A Eden, Mississippi.
Q Has he been before the Commission? A No sir.
Q Is he any relation to Ada Nelson who just appeared before the Commission? A A brother.
Q A full brother? A Yes sir.
Q The other applicants, Malinda Johnson, Madera Nelson, Elizabeth Preston and Mille Johnson are his full sisters, are they? A Yes sir.
Q About how old is your father? A About fifty-three.
Q Is your mother living? A No sir.
Q What was her name? A Winnie Johnson.
Q Did she have any Choctaw blood? A Not that I know of.
Q Was your father lawfully married to her? A Yes sir.
Q How do you know? A I have heard them say so.
Q How many children did they have? A Ten.
Q How long has your mother been dead? A Eight years.
Q Through which one of his parents did your father get his Choctaw blood? A His father.
Q What is his name? A George Johnson.
Q Where does he live? A Yazoo City.
Q About how old is he? A About eighty-seven, I think.
Q Through which one of his parents did he get his Choctaw blood? A His mother.
Q What was her name? A Malinda Johnson.
Q Malinda, then, was a full blood Choctaw, was she? A Yes sir.
Q Did you ever see her? A No sir.
Q You know nothing about her? A No sir.
Q As far as you know, have all of your ancestors always lived here in Mississippi? A Yes sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What's his name? A Augustus A. Oakes.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him? A No sir.
Q How many children have you living? A One.
Q What is the name of that child? A Alma Oakes.
Q How old is she? A One year and six months.
Q Is she the child of yourself and Augustus A. Oakes? A Yes sir.

- Q This application, then, is for yourself and one child? A Yes sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.
- Q Did anyone else ever make such an application for you? A No sir.
- Q Has any application of any description ever been made before today for yourself or this child looking to the establishment of your rights as Choctaw Indians? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under article 14 of the treaty of Dancing Rabbit Creek? A I do.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes sir, I have heard it explained.
- Q You have heard it explained here several times today to your aunts, have you not? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits under it? A Not that I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No.
- Q Did any of them live here at that time? A Yes.
- Q Who? A My great grandmother was living here at that time and her son, my grandfather.
- Q What are their names? A Malinda Johnson and George Johnson.
- Q Where did they live then? A In Yazoo County, Mississippi.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not that I know of.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not that I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did any of them ever get any land here in Mississippi from the Government under this treaty? A No sir.
- Q Did any of them ever get any money from the Government? A No sir.
- Q So far as you know, did any of your ancestors ever receive any benefits as Choctaw Indians? A Not that I know of.
- Q You heard my explanation as to these acts of Congress passed between the years 1837 and 1842, did you not? A Yes sir.
- Q Did any of your ancestors appear before any of these Commission-ers appointed under these acts of Congress and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did any of them ever receive any of this scrip from the Government of the United States under the act of Congress approved August 23, 1842? A Not that I know of.

Emma Oakes et al---3

- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any kind to offer at this time? A No sir.
- Q Have you any witnesses here to testify in your case? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q Have you any brothers or sisters who are of age or married? A Yes sir.
- Q How many? A I have one sister married and one brother.
- Q What are their names? A Prentice Johnson and Eliza Powell.
- Q Have another sister, Flora Johnson; she isn't married.
- Q Has either of them been before the Commission? A No sir.
- Q Are there any further statements you want to make? A No sir.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood-her hair is black and almost straight-she does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 7th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 26th day of February, 1902, at Franks, Mississippi.

L. B. Marley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

Muskogee, Indian Territory, August 2, 1902.

A. J. Oakes,

Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th inst., wherein you ask "whether the Tom Johnson of Yazoo City, Miss., passed the Dawes Commission." You state that you are interested in said claim because your wife Mrs. L. Oakes is a daughter of Tom Johnson and put in her claim in February, 1902.

In reply you are informed that the records of the Commission do not show that any person by the name of Tom Johnson is an applicant to this Commission for identification as a Mississippi Choctaw. The records do show however, that Emma Oakes, twenty-three years of age, post-office address, Yazoo City, Mississippi, a daughter of Thomas and Winnie Johnson, made application before this Commission on February 7, 1902, for the identification of herself and minor child, Alma, as Mississippi Choctaws, claiming descent from George and Malinda Johnson.

No decision has been reached nor opinion rendered relative to the right of Emma Oakes and her minor child to identification as Mississippi Choctaws.

The Commission is now considering the application of these

persons for each identification and it is probable that a decision
will be rendered in the near future. The applicants will be duly
notified of such decision and of the forwarding of the results to the
Secretary of the Interior for review.

Yours truly,

Acting Chairman

Muskogee, Indian Territory, August 7, 1902.

Mr. C. C. Jones,

Indian City, Mississippi.

Dear Sir:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

George Johnson,	M.C.R. 4680
Willie Johnson, et al.,	" 4681
Elizabeth Preston,	" 4682
Madora Nelson, et al.,	" 4683
Malinda Johnson, et al.,	" 4684
Ada Nelson, et al.,	" 4685
Anna Oakes, et al.,	" 4686

These applications were made under the provisions of the act of Congress of June 28, 1908 (35 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indian claimants rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, six teen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

Emma Oakes-2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Johnson, Millie Johnson, Jasper Johnson, James Johnson, Minnie Johnson, Sironis Johnson, Ollie Johnson, Elizabeth Eragton, Madona Nelson, Caldonia Nelson, Helen Nelson, Ulysses C. Nelson, Charlotte Nelson, Leon W. Nelson, Malinda Johnson, Lela Johnson, Charlie Johnson, Ada Nelson, Allzona Nelson, Daisy L. Nelson, Emma Oakes and Alma Oakes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tammie Dierby,
Acting Chairman.

Registered.

Muskogee, Indian Territory, March 14, 1903.

Emma Oakes,

Yazoo City, Mississippi.

Dear Madam:

The Secretary of the Interior, with his letter of February 25, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of George Johnson, et al., with instructions that the several applicants included therein be granted an opportunity to introduce further testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The Department is in possession of a 'Schedule of these Choctaws who received land under the provisions of the 14th article of the treaty of 1830 by remaining upon the land five years in accordance with the provisions of that article,' prepared by the Indian Office. Said schedule contains certain information which may relate to this case, as shown by the following entries:

- 'Johnson, Mary,
Head of family; received 1&1/2 sections lands;
2 children under 10.'
- 'Johnson, George,
Head of family; received 3 sections land;
4 children over, 4 under 10.'
- 'Johnson, Silas D., over 10;
parent George Johnson.'

The question as presented by the record is this: Were the beneficiaries named in said schedule identical in person with the principal applicant or with any of his ancestors? It is impossible to answer this question satisfactorily without further information than that contained in the record.

In as much as George Johnson, the principal applicant, was about thirteen years of age in 1830, it is probable that if now living he could furnish additional testimony relative to his ancestors.

You are therefore requested to advise the parties in interest as to the nature of your rules for taking testimony and that they will be allowed thirty days in which to furnish additional testimony, either oral or written, in accordance therewith in support of their claims."

Article fourteen of the treaty of September 27, 1830, herein referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that their Choctaw ancestors resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of article fourteen of the said treaty of 1830 above quoted.

N O 3

You are hereby notified that in accordance with instructions of the Secretary of the Interior, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, April 13, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of the claims of the several applicants included in this consolidated case.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of applications for identification as Mississippi Choctaws and prefers, whenever possible, to have the personal appearance of witnesses for the purpose of testifying in person, but in the event that witnesses are incapacitated from making personal appearance on account of old age or infirmity, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

Respectfully,

Registered.

Chairman.

R & R Dep.

N C R 4680

Muskogee, Indian Territory, May 8, 1903.

Mrs. Emma Oakes,

Yazoo City, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing the joint affidavit of Cornelius Jones and Jim Cheatham, offered in support of the application made by you for the identification of yourself and minor child as Mississippi Choctaws. The same has been filed with the record in your case.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 3, 1903.

A. J. Oakes,

Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Mrs. Emma L. Oakes, wherein she sets forth her reasons for desiring to have the deposition of George Johnson taken in support of her application for the identification of herself and minor child as Mississippi Choctaws, together with interrogatories to be propounded to said witness.

These papers are herewith returned for the reason that no service of the interrogatories has been made upon the attorneys for the Choctaw and Chickasaw Nations as required by rules 12 and 13 of the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications, a copy of which rules and regulations is herewith enclosed.

In order that you will have no further trouble in regard to service of copies of interrogatories upon the attorneys for the Choctaw and Chickasaw Nations, we would suggest that you have said interrogatories prepared in duplicate and forward the original and also the copy to the United States Marshal for the Central District

A J O 2

of Indian Territory, at South McAlester, Indian Territory, with instructions that he serve the copy upon Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, and after said service have him make proof thereon on the back of the original interrogatories and return them to you; upon receipt of which you are to forward same, together with the affidavit of Emma L. Oakes, to the Commission at this place, and if the same are in proper form they will be filed with and made a part of the record in her application and you will be notified of the same.

Respectfully,

Commissioner in Charge.

R & R Dep

McM 44

M.C.R. 4680.

Muskogee, Indian Territory, July 3, 1903.

A. J. Oakes,

Yazoo City, Mississippi.

Dear Sir:

The Commission is in receipt of your communication of June 20th, 1903, enclosing the affidavit of Emma Oakes wherein she sets forth her reasons for desiring to have a certain deposition taken in support of the application which she made in behalf of herself and her minor children as Mississippi Choctaws; also interrogatories to be propounded to said witness with proof of service of copy thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the record in the application of Emma Oakes, et al., M.C.R. 4680, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of this deposition and same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Enclosure:

Commissioner in Charge.

M.C.R. 4680.

Muskogee, Indian Territory, July 15, 1903.

A. J. Oakes,

Yazoo City, Mississippi.

Sir:

Enclosed please find commission to take the deposition of George Johnson, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Emma Oakes, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:
J. D. #8.

Commissioner in Charge.

M C R 4680

Muskogee, Indian Territory, July 30, 1903.

A. J. Oakes,

Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, wherein you ask that hereafter all matters relating to the Mississippi Choctaw case of Emma Oakes, et al. be addressed to you instead of A. W. Jones, who has been the attorney in said case.

In reply you are informed that a proper record has been made of your request.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, September 16, 1903.

A. J. Oakes,
Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, wherein you ask to be advised whether or not the Commission has received the deposition of George Johnson in support of the Mississippi Choctaw application of Emma Oakes, et al.

In reply you are informed that said deposition was received and filed July 29, 1903, and made a part of the record in the matter of the application of Emma Oakes for the identification of herself and minor child as Mississippi Choctaws.

You are further advised that the record in the consolidated Mississippi Choctaw case of George Johnson, et al., of which the application of Emma Oakes, et al. is a part, was on September 16, 1903, forwarded to the Secretary of the Interior. The several applicants will be duly notified of such action as may be taken by him.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, May 31, 1904.

Emma Oakes,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 7th day of May, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Johnson et al, of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

(SIGNED)

Tamie Dixie

Chairman.

Form No. 260.

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ROBERT C. CLOWRY, President and General Manager

SEND the following message subject to the terms
on back of of, which are hereby agreed to.

READ THE NOTICE AND AGREEMENT ON BACK.

Consolidated Case
of
George Johnson

REFER TO M. C. R.

4686

mer
4685
Millie Johnson 49 1/4

married
— Swan.
Richard Johnson

mer
4686
George Johnson 85 1/2

wife

Malinda Johnson - Mary Johnson - dead.

mer
4682
Malinda Johnson 43 1/4

married
Willie Johnson

mer
4683
Elizabeth Johnson 44 1/4
married
Wesley Nelson

Ella Swan
— married
George Stovall
George Swan
Thomas Swan
mer 4685
Jasper Johnson 14
James Johnson 13
Finis Johnson 11
Sironie Johnson 10
Ollie Johnson 5

Lela Jones
— married
— Jones.
Mollie Johnson
— married
— Green.
mer 4682
Lula Johnson 17
Charlie Johnson 16

Mahinda Johnson

me 19
4681
George Johnson 85 1/2
wife
Mary Johnson - dead

me 18
4683

Madora Johnson 36 1/4
married
Wesley Nelson

me 18
4683

Paldonia Nelson 17
Helen Nelson 13
Ulysses S. Nelson 10
Charlotte Nelson 8
Leon W. Nelson 5

me 18
4681

Ada Johnson 33 1/4
married
Thomas Nelson

me 18
4681

Allzema Nelson 13
Daisy L. Nelson 10

me 13
4688

Thomas Johnson
wife
Winnie Johnson - dead

Emma Johnson 23 1/8
married
Augustus A. Oakes

me 15
4688

Alma Oakes 1

Jim Johnson - dead
wife
Amy Johnson
(now Amy Jones)

Woodie Johnson
Alonga Johnson

#1720

No. 4650

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date

FEB 7 1902

Name

Emma Oakes

Age

23

Blood

$\frac{1}{8}$

Post Office,

Yazoo City Miss

Father:

Thomas Johnson

Mother:

Winnie

Claims through father

husband

Augustus A. Oakes, L.

No claim for husband.

Children:

Children:

Anna Oakes

1 yr

Witness: George W. ... L.

J. A. ...

Choctaw MCR 4681.

Ada Nelson

See MCR 4686

MCR 4681

4681

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 7th, 1902.

In the matter of the application of Ada Nelson for the identification of herself and two minor children, Allsena and Daisy L. Nelson, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicants,
A.W. Jones, Agent for applicants.

Said Ada Nelson, being first duly sworn, testified as follows:-

Examination by the Commission.

Q What is your name? A Ada Nelson.
Q How old are you? A Thirty-three years old.
Q How much Choctaw blood have you? A One-quarter.
Q What is your postoffice address? A Eden, Mississippi.
Q What County? A Yazoo County.
Q How long have you lived in Yazoo County, Mississippi? A Ever since I've been knowing anything.
Q Were you born there? A Yes sir.
Q Is your father living? A Yes sir.
Q What's his name? A George Johnson.
Q Is your mother living? A No sir.
Q What was her name? A Mary Johnson.
Q Through which one of your parents do you get your Choctaw blood?
A Papa.
Q About how old is your father? A As nigh as I can come at it, about eighty.
Q Are you a full sister of Malinda Johnson who appeared before the Commission this morning? A Yes sir.
Q Are you a full sister of Madora Nelson? A Yes sir.
Q And a full sister of Eliza Preston? A Yes sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Has he any Choctaw blood? A No sir.
Q What's his name? A Thomas Nelson.
Q You make no claim for him? A No sir.
Q Have you any children living? A Yes sir.
Q How many? A Two.
Q What are their names and ages, the oldest first? A Allsena.
Q How old is Allsena? A Thirteen.
Q Is that a boy or girl? A Girl.
Q Next one? A Daisy L.
Q How old is she? A Ten years old.
Q Is that all your children? A Yes sir.
Q Are these two children living with you at this time? A Yes sir.
Q Are they both the children of yourself and Thomas Nelson? A Yes sir.
Q This application is for yourself and two minor children, is that right? A Yes sir.
Q Is your name or the name of either one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir, not as I know of.
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or either of your children to be

admitted or enrolled as members of the Choctaw Tribe of Indians?

A No sir.

Q Have you ever made any applications of any kind before today for yourself or either of these children looking to the establishment of your rights as Choctaw Indians? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under article 14 of the treaty of Dancing Rabbit Creek? A yes sir.

Q You understand that 14th article of the treaty of Dancing Rabbit Creek, do you not? A No sir.

Q Didn't you hear it explained here this morning twice to your sisters? A Yes sir, I heard it explained.

Q Don't you understand it? A No sir, I don't exactly understand it now.

This treaty was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the new nation, might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that 14th article now? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits under it? A Not as I know of.
- Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir, not as I know of.
- Q Did any of them live here in the old Choctaw Nation at that time--71 years ago? A No sir.
- Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I knows of.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I knows of.
- Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Did any of them ever get any land from the Government under any other article of that treaty or under the supplement to that treaty? A No sir, not as I knows of.
- Q Did any of them ever get any money from the Government? A No sir.
- Q So far as you know, did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A No sir, not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty, of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissions to come down here to Mississippi and here these cases of Choctaws who claimed th at they were entitled to land under article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many of these cases.

- Q Did any of your ancestors appear before any of these Commissioners

Ada Nelson et al---4

and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.

An Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir.

Q Do you know of the existence of any written evidence of any description which would show or tend to show such a state of facts?

A No sir, I don't know of any.

Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.

Q Have you any witnesses here today to testify in your case? A No sir.

Q Are there any further statements you want to make? A No sir.

Q You don't speak or understand the Choctaw language, do you? A No sir.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood-her hair is black and perfectly straight. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 7th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 26th day of February, 1902, at Franks, Mississippi.

L. B. Niles
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

Muskogee, Indian Territory, August 7, 1902.

Mr. Nelson,

Okla., Chickasaw.

Dear Sir:

You are hereby advised that on the 4th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

George Johnson,	M.C.R.	4686
Willie Johnson, et al.,	"	4685
Elizabeth Brown,	"	4684
Madora Nelson, et al.,	"	4683
Malinda Johnson, et al.,	"	4682
Ada Nelson, et al.,	"	4681
Anna Oakes, et al.,	"	4680

These applications were made under the provisions of the act of Congress of June 22, 1902 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

Ada Nelson-2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Johnson, Millie Johnson, Jasper Johnson, James Johnson, Finis Johnson, Sironis Johnson, Ollie Johnson, Elizabeth Preston, Madara Nelson, Caldonia Nelson, Helen Nelson, Ulysses C. Nelson, Charlotte Nelson, Leon W. Nelson, Malinda Johnson, Lula Johnson, Charlie Johnson, Ada Nelson, Allzena Nelson, Daisy L. Nelson, Emma Oakes and Alma Oakes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

Muskogee, Indian Territory, March 14, 1903.

Ada Nelson,

Eden, Mississippi.

Dear Madam:

The Secretary of the Interior, with his letter of February 25, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of George Johnson, et al., with instructions that the several applicants included therein be granted an opportunity to introduce further testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The Department is in possession of a 'Schedule of those Choctaws who received land under the provisions of the 14th article of the treaty of 1830^{and} remaining upon the land five years in accordance with the provisions of that article,' prepared by the Indian Office. Said schedule contains certain information which may relate to this case, as shown by the following entries:

'Johnson, Mary,
Head of family; received 1&1/2 sections lands;
2 children under 10.'
'Johnson, George,
Head of family; received 3 sections land;
4 children over, 4 under 10.'
'Johnson, Silas D., over 10;
parent George Johnson.'

The question as presented by the record is this: Were the beneficiaries named in said schedule identical in person with the principal applicant or with any of his ancestors? It is impossible to answer this question satisfactorily without further information than that contained in the record.

In as much as George Johnson, the principal applicant, was about thirteen years of age in 1830, it is probable that if now living he could furnish additional testimony relative to his ancestors.

You are therefore requested to advise the parties in interest as to the nature of your rules for taking testimony and that they will be allowed thirty days in which to furnish additional testimony, either oral or written, in accordance therewith in support of their claims."

Article fourteen of the treaty of September 27, 1830, herein referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of a family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that their Choctaw ancestors resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of said article fourteen of the treaty of 1830 above quoted.

A N 3

You are hereby notified that in accordance with instructions of the Secretary of the Interior, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, April 13, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of the claims of the several applicants in this consolidated case.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of applications for identification as Mississippi Choctaws and prefers, whenever possible, to have the personal appearance of witnesses for the purpose of testifying in person, but in the event that witnesses are incapacitated from making personal appearance on account of old age or infirmity, their depositions may be considered when taken in conformity with the rules and regulations governing the Commission in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed you.

Respectfully,

Registered.

Chairman.

R & R Dep.

Muskogee, Indian Territory, May 31, 1904.

Ada Nelson,
Eden, Mississippi.

Dear Madam:

You are hereby notified that on the 7th day of May, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Johnson et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

(SIGNED)

Tamr Diney.
Chairman.

#1721

No. 4681

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date FEB 7 1902

Name Ada Nelson

Age 33 Blood $\frac{1}{4}$

Post Office, Eden, Miss

Father: George Johnson

Mother: Mary

Claims through father's
husband

Thomas Nelson
No claim for husband

Children:

Alzena Nelson (F) 13

Daisy " 10

Stenographer

J. S. Miles

Choctaw MCR 4682

Malinda Johnson

See MCR 4686

MCR 4682

4682

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 7th, 1902.

In the matter of the application of Malinda Johnson for the identification of herself and two minor children, Lula and Charlie Johnson, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicants,
A.W. Jones, Agent for applicants.

Said Malinda Johnson, being first duly sworn, testified as follows:-

Examination by the Commission/

- Q What is your name? A Malinda Johnson.
Q How old are you? A Forty-three.
Q How much Choctaw blood have you? A One-fourth.
Q What is your postoffice address? A Eden, Mississippi.
Q What County? A Yazoo County.
Q How long have you lived in Yazoo County? A All my days.
Q Is your father living? A Yes sir.
Q What's his name? A George Johnson.
Q Where does he live? A In Yazoo City, Mississippi.
Q Is your mother living? A No sir.
Q What was her name? A Mary Johnson.
Q Through which one of your parents did you get your Choctaw blood?
A My father.
Q Are you a full sister of Madera Nelson who just appeared before the Commission? A Yes sir.
Q And of Elizabeth Preston who appeared before the Commission this morning? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Willis Johnson.
Q Has he any Choctaw blood? A Not as I know of.
Q You make no claim for him then? A No sir.
Q How many children have you living who are under 21 years of age and unmarried? A I have two.
Q What are their names and ages? A Lula.
Q How old is she? A Seventeen.
Q Next one? A Sixteen.
Q What is the name? A Charlie.
Q Are these two children living with you at this time? A Yes sir.
Q Are they both the children of yourself and Willis Johnson? A Yes sir.
Q This application then is for yourself and two minor children?
A Yes sir.
Q Is your name or the name of either of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.
Q Did you ever make any application of any kind for yourself or either of these children to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as members of the Tribe? A No sir.
Q Have you ever made any application of any kind before today for yourself or either of these children? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

- Q You understand that 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes sir.
- Q You have heard it explained fully to two of your sisters here this morning? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits under that 14th article? A No sir.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A A No sir.
- Q Did any of them live here at that time to your knowledge? A Yes sir.
- Q Which ones? A My father and mother.
- Q Is that all? A Yes sir.
- Q Do you know where they were living? A Yes sir.
- Q Where? A Yazoo County, Mississippi.
- Q They didn't own an improvement there, did they? A No sir.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1834 and 1838? A I don't know, sir.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did any of them ever get any land here in Mississippi from the Government, to your knowledge? A No sir.
- Q Or any money? A No sir.
- Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
- Q You heard me explain to your sisters about these acts of Congress passed between the years 1837 and 1842 providing for the appointment of Commissions to come down here and hear these Choctaw Indian claims? A Yes sir.
- Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did any of your ancestors ever get any of this scrip from the Government of the United States under the act of Congress approved August 23, 1842? A Not as I know of.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would show or tend to show such a state of facts? A No sir.
- Q Have you any written evidence to offer at this time? A No sir.
- Q Have you any witnesses here whose testimony you desire to have taken in support of your application? A No sir.

Malinda Johnson et al---3

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q Have you any children living who are over age or married? A Two.
- Q What are their names? A Lela Green.
- Q Where does she live? A In Yazoo County, Mississippi.
- Q Has she been before the Commission? A No sir.
- Q Next one? A Mollie Jones.
- Q Where does she live? A Yazoo County, Mississippi.
- Q Has she been before the Commission? A No sir.
- Q Is that all? A Yes sir.
- Q Are there any further statements you want to make now? A No sir.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood-her hair is black and perfectly straight. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 7th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 26th day of February, 1902, at Franks, Mississippi.

L. B. Mosaley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY.

M.C.R. 4682

Muskogee, Indian Territory, August 7, 1902.

Madame Justice,

Wash., Mississippi.

Dear Madam:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Johnson, et al., concerning the following applications for identification as Missions of Choctaws:

George Johnson,	M.C.R. 4682
Willie Johnson, et al.,	" 4683
Eliza Ann Ricketts,	" 4684
Nadene Nelson, et al.,	" 4685
Melinda Johnson, et al.,	" 4686
Ada Nelson, et al.,	" 4687
Ferna Oakes, et al.,	" 4688

These applications were made under the provisions of the act of Congress of June 28, 1902 (32 Stats., 405), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourth of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

Malinda Johnson-2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Johnson, Millie Johnson, Jasper Johnson, James Johnson, Finis Johnson, Sironis Johnson, Ollie Johnson, Elizabeth Preston, Madona Nelson, Caldonia Nelson, Helen Nelson, Ulysses C. Nelson, Charlotte Nelson, Leon W. Nelson, Malinda Johnson, Lula Johnson, Charlie Johnson, Ada Nelson, Almena Nelson, Daisy L. Nelson, Emma Oakes and Alma Oakes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

Muskogee, Indian Territory, March 14, 1903.

Malinda Johnson,
Eden, Mississippi.

Dear Madam:

The Secretary of the Interior, with his letter of February 25, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of George Johnson, et al., with instructions that the several applicants included therein be granted an opportunity to introduce further testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The Department is in possession of a 'Schedule of those Choctaws who received land under the provisions of the 14th article of the treaty of 1830 by remaining upon the land five years in accordance with the provisions of that article,' prepared by the Indian Office. Said schedule contains certain information which may relate to this case, as shown by the following entries:

- 'Johnson, Mary,
Head of family; received 1 1/2 sections lands;
2 children under 10.'
- 'Johnson, George,
Head of family; received 3 sections land;
4 children over, 4 under 10.'
- 'Johnson, Silas D., over 10;
parent George Johnson.'

The question as presented by the record is this: Were the beneficiaries named in said schedule identical in person with the principal applicant or with any of his ancestors? It is impossible to answer this question satisfactorily without further information than that contained in the record.

M J 2

In as much as George Johnson, the principal applicant, was about thirteen years of age in 1830, it is probable that if now living he could furnish additional testimony relative to his ancestors.

You are therefore requested to advise the parties in interest as to the nature of your rules for taking testimony and that they will be allowed thirty days in which to furnish additional testimony, either oral or written, in accordance therewith in support of their claims."

Article fourteen of the treaty of September 27, 1830, herein referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that their Choctaw ancestors resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of article fourteen of said treaty of 1830 above quoted.

M J 3

You are hereby notified that in accordance with instructions of the Secretary of the Interior, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, April 13, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of the claims of the several applicants in this consolidated case.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of applications for identification as Mississippi Choctaws and prefers, whenever possible, to have the personal appearance of witnesses for the purpose of testifying in person, but in the event that witnesses are incapacitated from making personal appearance on account of old age or infirmity, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

Respectfully,

Registered.

Chairman.

R & R Dep.

COPY.

M.C.R. 4682

Muskogee, Indian Territory, May 31, 1904.

Malinda Johnson,

Eden, Mississippi.

Dear Madam:

you are hereby notified that on the 7th day of May, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Johnson et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

(SIGNED)

Tamir L. Smith
Chairman.

#1722

No. 4682

For Identification as a Mississippi Choctaw.

Meridian Miss
Date

FEB 7 1902

Name Matinda Johnson

Age 43 Blood 1/4

Post Office, Eden, Miss

Father: George Johnson L

Mother: Mary " d

Claims through Father
husband Willes Johnson 5
no claim for him

Eden, Miss 2 miles

Children:

Lula Johnson 17

Charlie " 16

J. S. Niles

Choctaw MCR 4683

Madora Nelson

See MCR 4686

MCR 4683

4683

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 7th, 1902.

In the matter of the application of Madora Nelson for the identification of herself and five minor children, Caldonia, Helen, Ulysses C., Charlotte and Leon W. Nelson, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicants,
A.W. Jones, Agent for applicants.

Said Madora Nelson, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Madora Nelson.
Q How old are you? A Thirty-five years old.
Q How much Choctaw blood have you? A One-quarter.
Q What is your postoffice address? A Yazoo City, Mississippi.
Q How long have you lived at Yazoo City? A Lived there all my life.
Q Is your father living? A Yes sir.
Q What's his name? A George Johnson.
Q Is your mother living? A No sir.
Q What was her name? A Mary Johnson.
Q Through which one of your parents do you get your Choctaw blood? A My father.
Q Where does your father live? A He lives in Yazoo County.
Q Has he ever been before the Commission? A No sir, not as I know of.
Q How old is he? A He is about seventy or eighty somewhere along there; I don't know, exactly.
Q Has he lived in this State all his life? A Yes sir.
Q Through which one of his parents did he get his Choctaw blood? A His mother.
Q What was her name? A Malinda Johnson.
Q Was she a full blood Choctaw Indian? A Yes sir.
Q Did you ever see her? A Yes sir.
Q Are you willing to swear that she looked like a full blood Choctaw? A Yes sir.
Q Did she have any negro blood in her at all? A Not as I could see she was very old when I saw her.
Q What is the other half of your father-was your father part negro and part Choctaw? A I don't know.
Q What is the other half of his blood? A He just looks like half Indian-I don't know about his father.
Q Where did Malinda live? A In Yazoo County.
Q All her life? A Yes sir-she said she was born and raised there.
Q Are you married? A Yes sir.
Q What is your husband's name? A Wesley Nelson.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him then? A No sir.
Q How many children have you living? A Five.
Q What are their names and ages? A Caldonia.
Q How old is she? A Seventeen.
Q Next one? A Helen.
Q How old is she? A Thirteen.
Q Next one? A Ulysses C.
Q How old is he? A Ten years old.

- Q Next one? A Charlottie.
Q How old is Charlottie? A Right.
Q Next one? A Leon W.
Q How old is Leon? A Five years old.
Q Are these children all living with you at this time? A yes sir.
Q Are they all the children of yourself and Wesley Nelson? A Yes sir.
Q Caldonia is not married, is she? A No sir.
Q This application is for yourself and five minor children? A Yes sir.
Q Is your name or the name of anyone of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A Not as I know of.
Q Did you ever make application for yourself or anyone of these children to be admitted or enrolled as members of the Choctaw Tribe of Indians to the Choctaw Tribal authorities? A No sir.
Q Did you ever make such an application to the United States authorities? A No sir.
Q Is this the first application of any description that has ever been made for yourself or any of these children? A Yes sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes sir, I think I do.
Q You have heard it explained fully to your two sisters Elizabeth Preston and Millie Johnson? A yes sir.
Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits under that article? A Not as I know of.
Q Did any of them live here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A My grandmother was living and my father.
Q Where were they living at that time-71 years ago? A In Yazoo County.
Q Are you sure of that? A yes sir.
Q Did they own an improvement here at that time? A No sir.
Q Were either of them in slavery? A No sir, they weren't slaves.
Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir, not as I know anything about.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under this 14th article of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.
Q Did any of them ever get any land here in Mississippi from the Government to your knowledge? A No sir.

Madora Nelson et al---3

Q Or any money? A No sir.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q You heard the statements made to your two sisters in regard to those Commissions appointed under acts of Congress between the years 1837 and 1842, did you not? A Yes sir.

Q Now, did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A None as I knows of.

Q Did any of them ever get any scrip from the Government of the United States under this act of Congress approved on the 23rd day of August, 1842? A None as I knows of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir, I don't know of anyone living.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence of any kind with you to offer in your case? A No sir.

Q Have you any witnesses here? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Do you speak the Choctaw language? A No sir.

Q Does your father? A No sir.

Q Did his mother? A His mother did.

Q How do you know? A I have heard her speak some things and I couldn't understand her.

Q You just suppose it was Choctaw? A That's what she said.

Q Are you a full sister of Elizabeth Preston who has just been before the Commission? A Yes sir.

Q What other sisters have you here today? A Two more besides the ones that have been here.

Q What are their names? A Malinda Johnson and Ada Nelson.

Q Millie Johnson has been before the Commission? A Yes sir.

Q Are there any further statements you want to make at this time in support of your application? A No sir, not any.

Examination by Mr. Beadle:

Q You stated to the Commission that you knew of no witnesses that would be likely to know anything about your ancestors having attempted or made application before any of these Agents--do you know any person who would be likely to know whether your parents were living here 71 years ago, or not? A Yes sir.

Q Give the Commission their names? A Jim Cheatum.

Q Who else? A I don't know of anyone but him.

Madera Nelson et al---4

Q How old a man is James Cheatam? A I don't know, sir.
Q Give us an idea of his age? A Eighty some odd.

By the Commission:

Q What's his postoffice address? A I don't know his postoffice address.

Q Does he live in Yazoo City or in the County? A In Yazoo County. At Eden Station; I think that's his postoffice.

By Mr. Jones:

Q Do you know anything about your grandmother? A Yes sir.

Q Do you know whether she was an Choctaw Indian? A I know she was a Choctaw Indian.

Q How do you know it? A I know it by her appearance and the other Indians I saw.

Q The other Indians came to see her? A Yes sir.

Q Whom did she live with until her death? A She lived with my father until her death.

Q You say you live in the house with your father? A He is living with me and I am taking care of him.

Q After the death of his wife he then came to live with you? A Yes sir.

Q You heard your sister relate something about her having a sore leg, do you know anything about that? A Well, she had a sore leg but I never asked her any questions of the cause of it. She had a lame leg until her death; that was my grandmother had a sore leg.

Q Is your father sick in bed? A Yes sir.

Q And your grandmother lived and died in the State of Mississippi? A Yes sir.

By Mr. Beadle:

Q Did the Choctaw Indians recognize your grandmother to be an Indian? A Yes sir.

By Mr. Jones:

Q Do you know anything about the Choctaw language, how it is spoken? A No sir.

Q You don't know, then, whether your father could speak it or your grandmother? A No sir, no more than I have heard her speak words that she said was that and I couldn't understand it.

Q But you don't know? A No sir.

Commission:

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood-her hair is black and perfectly straight. She does not speak or understand the Choctaw language.

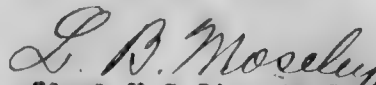
Ira S. Niles, being first duly sworn, states that as stenographer

Madora Nelson et al---5

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 7th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

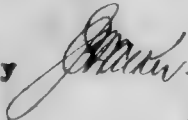


Subscribed and sworn to before me this the 25th day of February, 1902, at Franks, Mississippi.



Clerk U.S. Circuit Court, Southern
District of Mississippi.

By



Deputy.

COPY.

M.C.R. 4683

Muskogee, Indian Territory, August 7, 1902.

Mrs. M. Nelson,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 7th day of August, 1902 the Commission on the Five Civilized Tribes rendered a decision in the consolidated case of George Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

George Johnson,	M.C.R. 4686
Millie Johnson, et al.,	" 4685
Elizabeth Preston,	" 4684
Madora Nelson, et al.,	" 4683
Malinda Johnson, et al.,	" 4682
Ada Nelson, et al.,	" 4681
Wm. Oakes, et al.,	" 4680

These applications were made under the provisions of the act of Congress of June 28, 1901 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

Madera Nelson-2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Johnson, Millie Johnson, Jasper Johnson, James Johnson, Finis Johnson, Sironis Johnson, Ollie Johnson, Elizabeth Preston, Madera Nelson, Caldonia Nelson, Helen Nelson, Wlysses C. Nelson, Charlotte Nelson, Leon W. Nelson, Malinda Johnson, Lula Johnson, Charlie Johnson, Ada Nelson, Ailzema Nelson, Daisy L. Nelson, Emma Oakes and Alva Oakes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

Muskogee, Indian Territory, March 14, 1903.

Madora Nelson,

Yazoo City, Mississippi.

Dear Madam:

The Secretary of the Interior, with his letter of February 25, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of George Johnson, et al., with instructions that the several applicants included therein be granted an opportunity to introduce further testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The Department is in possession of a 'Schedule of those Choctaws who received land under the provisions of the 14th article of the treaty of 1830 by remaining upon the land five years in accordance with the provisions of that article,' prepared by the Indian Office. Said schedule contains certain information which may relate to this case, as shown by the following entries:

'Johnson, Mary,
Head of family; received 1&1/2 sections lands;
2 children under 10.'
'Johnson, George,
Head of family; received 3 sections land;
4 children over, 4 under 10.'
'Johnson, Silas D., over 10;
parent George Johnson.'

The question as presented by the record is this: Were the beneficiaries named in said schedule identical in person with the principal applicant or with any of his ancestors? It is impossible to answer this question satisfactorily without further information than that contained in the record.

In as much as George Johnson, the principal applicant, was about thirteen years of age in 1830, it is probable that if now living he could furnish additional testimony relative to his ancestors.

You are therefore requested to advise the parties in interest as to the nature of your rules for taking testimony and that they will be allowed thirty days in which to furnish additional testimony, either oral or written, in accordance therewith in support of their claims."

The fourteenth article of the treaty of September 27, 1830, herein referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that their Choctaw ancestors resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of article fourteen of said treaty of 1830 above quoted.

M N 3

You are hereby notified that in accordance with instructions of the Secretary of the Interior, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, April 13, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of the claims of the several applicants in this consolidated case.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of applications for identification as Mississippi Choctaws and prefers, whenever possible, to have the personal appearance of witnesses for the purpose of testifying in person, but in the event that witnesses are incapacitated from making personal appearance on account of old age or infirmity, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications, a copy of which rules and regulations is herewith enclosed.

Respectfully,

Registered.

R & R Dep.

Chairman.

M C R 4683

Muskogee, Indian Territory, April 16, 1903.

Mrs. Madora Nelson,

Yazoo City, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you state that your witnesses are unable to appear before the Commission to testify in support of your claim for identification as a Mississippi Choctaw.

In reply to your letter you are informed that the Commission is averse to the acceptance of ex parte affidavits, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that your witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications, a copy of which rules and regulations is herewith enclosed you. Your attention is specially invited to rules 2, 12 and 13 thereof.

Respectfully,

R & R Dep.

Commissioner in Charge.

Muskogee, Indian Territory, September 16, 1903.

S. W. Nelson,
Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, relative to the Mississippi Choctaw case of Madora Nelson, et al. You state that the deposition of George Johnson has been filed in support of the claim of Emma Oakes for identification as a Mississippi Choctaw and ask if it is necessary that Madora Nelson file a like statement.

In reply you are informed that it appears from our records that the applications of Emma Oakes et al. and Madora Nelson, et al. have been made a part of the consolidated Mississippi Choctaw case of George Johnson, et al. Evidence filed in support of any of these claims will be considered in the determination of the rights of all applicants included in said consolidated case.

You are further advised that the record in the consolidated Mississippi Choctaw case of George Johnson, et al. was, on September 15, 1903, forwarded to the Secretary of the Interior. The several applicants will be duly notified of such action as may be taken by him.

Respectfully,

Chairman.

COPY. M.C.R. 4683

Muskogee, Indian Territory, May 31, 1904.

Madora Nelson,
Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 7th day of May, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Johnson et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

(SIGNED)

Tame Dixie,
Chairman.

M C R 4683

Muskogee, Indian Territory, February 15, 1906.

Richard J. Hill,
Attorney at Law,
Beggs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, in which you request to be furnished a copy of all the evidence in M.C.R. 4683.

M. C. R. 4683 is the number of the Mississippi Choctaw application of Madora Nelson, et al., which is a part of the consolidated Mississippi Choctaw case of George Johnson, et al., and as the Department determined this case adversely to the applicants, the entire original record was not returned to this office.

There is, however, enclosed herewith one copy of the testimony of Madora Nelson, the principal applicant in M.C.R. 4683, given at the time of her appearance before the Commission to the Five Civilized Tribes at Meridian, Mississippi, February 7, 1902.

Respectfully,

Acting Commissioner.

McM 15/2

#1923

No. 4683

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date FEB 1 1892

Name: *Madora Nelson*

Age 35 Blood 1/4

Post Office, *Yazoo City, Miss.*

Father: *George Johnson* S

Mother: *Mary* " d

Claims through *Father*
husband

Wesley Nelson S
(No claim for husband)

(Claims for self and 5 children)

Children:

<i>Caldonia</i>	<i>Nelson</i>	17
<i>Helen</i>	"	13
<i>Ulysses C.</i>	"	10
<i>Charlotte</i>	"	8
<i>Leon W.</i>	"	5

Father's Mother *Malinda Johnson* + b. d.

Stenographer *J. S. Miles*

Choctaw MCR. 4684

Elizabeth Preston

See MCR 4686

MCR 4684

4684

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 7th, 1902.

In the matter of the application of Elizabeth Preston for identification as a Mississippi Choctaw.

APPEARANCES: S.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Elizabeth Preston, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Elizabeth Preston.
- Q How old are you? A I reckon I'm about forty-one.
- Q How much Choctaw blood have you? A One quarter.
- Q What is your postoffice address? A Yazoo City, Mississippi.
- Q How long have you lived in Yazoo City? A Been living there all my life.
- Q Is your father living? A Yes sir.
- Q What's his name? A George Johnson.
- Q Is your mother living? A No sir, she's dead.
- Q What was her name? A Mary Johnson.
- Q Through which one of your parents do you get your Choctaw blood? A Father.
- Q Were your father and mother lawfully married? A Yes sir, they were married.
- Q How long did they live together as man and wife? A I don't know.
- Q About how long? A I couldn't really tell.
- Q How many children were born to them? A Ten, I think.
- Q Was your father a slave? A No sir.
- Q Or your mother? A No sir.
- Q Where was your father born? A He was born in Mississippi.
- Q Lived here all his life? A Yes sir.
- Q What place in Mississippi was he born? A Yazoo County.
- Q Do you speak the Choctaw language? A No sir.
- Q Does your father? A No sir, I have never heard him speak it as I know of.
- Q Through which one of his parents does he get his Choctaw blood? A His mother.
- Q What was her name? A Malinda Johnson.
- Q How long has Malinda been dead? A She's been dead I think 20 years.
- Q Where did she die? A She died over in Yazoo County.
- Q Do you remember her well? A Yes sir.
- Q How much Choctaw blood did she have? A She was whole Choctaw.
- Q You are sure of that, are you? A Yes sir.
- Q Did she speak the Choctaw language? A She talked it sometimes.
- Q You don't understand it yourself? A No sir.
- Q Do you know where she was born? A She was born in Mississippi.
- Q Where? A Yazoo County.
- Q How old would she be if she were living now? A I guess she would be somewhere about a hundred.
- Q How old is your father now? A I think he is between seventy and eighty some odd years-I don't exactly know. I know he's very old-he's disabled.
- Q Did Malinda have a Choctaw name? A Not as I know of.

Elizabeth Preston--2

- Q Do you know the name of her father? A No sir.
or of her mother? A No sir, I don't know anything about them.
- Q Was Malinda a slave? A No sir.
- Q Was she ever in Indian Territory? A Not that I know of.
- Q You are sure she lived in this State all her life, are you? A Yes sir, she told me she had been here all the time.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q Has he any Choctaw blood? A His mother was half Indian.
- Q Choctaw Indian? A Yes sir.
- Q Do you make any claim for your husband? A No, I don't care to make any application for him; If he wants application made he can do that himself-I don't know enough about his Choctaw blood to make an application for him.
- Q Have you any children living? A No sir.
- Q This application, then, is for yourself only? A Yes sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A Not as I know of.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.
- Q Have you ever made any application of any description before today looking to the establishment of your rights as a Choctaw Indian? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A I don't know whether I really do, or not.
- Q You heard it explained fully to your sister, Millie Johnson, did you not? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribes of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out west to the new Choctaw Nation, might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one

Elizabeth Preston---3

section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek-do you understand it? A Yes sir, some of it. I don't really understand it all.

Within a few years after this treaty was made-the treaty was made 71 years ago or more-most of the Indians left this country. The 14th article provided that those who wanted to stay here might receive land upon certain conditions-first, a Choctaw Indian who wanted to stay here must let the Agent of the Government here in Mississippi know that he wanted to stay-The Government had an Agent here in the Summer of 1831 for this purpose. The Indians were required by that 14th article to let the Agent know that they wanted to stay and within six months from February 24 1831, the day this treaty was ratified. After the Indian had let the Agent know that he wanted to stay here, he was entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey and for each child, unmarried, which he might have living with him over ten years of age he was entitled to a half section and for each child under ten years of age he was entitled to a quarter section. The reservations of these children to adjoin that of the parent and these reservations were required by the 14th article of the treaty to include the improvement of the parent as it existed on the 27th day of September, 1830, the day the treaty was made. Now, if the Indian lived on this land for five years from the 24th day of February, 1831, he was entitled to a grant in fee simple for the land -that is the Government would give him a deed to it, conveying to him all its right to the land and the land thereupon became the property of the Indian. Now, that 14th article provided further that persons who claimed under that article should not lose the privilege of a Choctaw citizen but if they ever removed they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid to the Choctaws by the Government of the United States each year under treaty provisions.

Elizabeth Preston--4

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits under that article? A No sir, not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made-71 years ago? A Not as I know of.

Q Did any of them, in fact, live here at that time? A I suppose so.

Q What ones do you think were living here at that time? A My grandmother I guess was here.

Q What was her name? A Malinda Johnson.

Q What others? A Her husband I suppose.

Q I am talking about your Choctaw ancestors? A Oh-Choctaw ancestors-I don't know, sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1830 and 1838? A I don't know, sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of them ever get any land here in Mississippi from the Government, to your knowledge? A Not as I know of.

Q Did any of them ever get any money from the Government? A Not as I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land under article 14 of the treaty and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed ~~xxxxxx which xxxxxx xxxxxxxx~~ certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here, some

Elizabeth Preston---5

in '37 and '38 and others in '42 and '43 and '44 and heard a great many of these cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A I don't know, sir, whether there is or not.

Q Do you know of any written evidence of any kind that would prove or tend to prove such a state of facts? A No sir, I don't.

Q Have you any written evidence of any kind to offer at this time? A No sir.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make? A No sir.

Examination by Mr. Jones:

Q What is your name? A Elizabeth Preston.

Q How old are you? A I am forty-one I think.

Q You don't know your age? A No sir, not exactly.

Q You say you remember your grandmother? A Yes sir.

Q She was a Choctaw Indian woman, was she? A Yes sir.

Q That's what she said? A That's what she said-she said she was a straight out Choctaw Indian. She showed it.

Q You heard your sister relating something about her having a sore leg-did you ever see that leg? A Yes sir, I have seen it.

Elizabeth Preston--6

Q You don't know anything else about it but you have seen it? A Yes sir, but I don't know how it come about. I knew she had a sore leg.

Q You stated that there was no one living here 71 years ago only your grandmother-how old did you tell the Commission your father was? A I guess he's between seventy and eighty-he's very old.

Q Then the treaty 72 years ago-he was living here wasn't he? A I don't know anything about that.

Q He was seventy odd years old and always lived here in Mississippi to your knowledge? A Yes sir.

Q You have never been in court or sworn before? A No sir, this is my first time.

Q You state that there is no person living who might know that, didn't you? A I said not that I knew of.

By the Commission:

Q Are you a full sister of Millie Johnson who just appeared before the Commission? A Yes sir, a full sister.

Q Give us the names of your other sisters who are here today for the purpose of making application? A Malinda Johnson.

Q Next one? A Dora Nelson.

Q Next one? A Ada Nelson.

By Mr. Jones:

Q Have you a niece here today? A Yes sir.

Q What is her name? A Emma Oaks.

Q Is that your sister's daughter? A My brother's daughter.

Q The one that you gave the name of? A No sir.

Q Is her father living or dead? A He's living.

Commission:

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood-her hair is black and perfectly straight. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 7th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 25th day of February, 1902, at Franks, Mississippi.

L. R. Massey
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *W. H. Davis*

Deputy.

COPY.

M.C.R 4684

Muskogee, Indian Territory, August 7th, 1902

Elizabeth Preston,

Vazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

George Johnson,	M.C.R	4686
Willie Johnson, et al.,	"	4685
Elizabeth Preston,	"	4684
Madora Nelson, et al.,	"	4683
Malinda Johnson, et al.,	"	4682
Ada Nelson, et al.,	"	4681
Emma Oakes, et al.,	"	4680

These applications were made under the provisions of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

Elizabeth Preston-2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Johnson, Millie Johnson, Jasper Johnson, James Johnson, Finis Johnson, Sironis Johnson, Ollie Johnson, Elizabeth Preston, Madora Nelson, Caldonia Nelson, Helen Nelson, Ulysses C. Nelson, Charlottie Nelson, Leon W. Nelson, Malinda Johnson, Lula Johnson, Charlie Johnson, Ada Nelson, Allena Nelson, Daisy L. Nelson, Emma Oakes and Alma Oakes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

Muskogee, Indian Territory, March 14, 1903.

Elizabeth Preston,
Yazoo City, Mississippi.

Dear Madam:

The Secretary of the Interior, with his letter of February 25, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of George Johnson, et al., with instructions that the several applicants included therein be granted an opportunity to introduce further testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The Department is in possession of a 'Schedule of those Choctaws who received land under the provisions of the 14th article of the treaty of 1830 by remaining upon the land five years in accordance with the provisions of that article,' prepared by the Indian Office. Said schedule contains certain information which may relate to this case, as shown by the following entries:

- 'Johnson, Mary,
Head of family; received 1&1/2 sections lands;
2 children under 10.'
- 'Johnson, George,
Head of family; received 3 sections land;
4 children over, 4 under 10.'
- 'Johnson, Silas D., over 10;
parent George Johnson.'

The question as presented by the record is this: Were the beneficiaries named in said schedule identical in person with the principal applicant or with any of his ancestors? It is impossible to answer this question satisfactorily without further information than that contained in the record.

E P 2

In as much as George Johnson, the principal applicant, was about thirteen years of age in 1830, it is probable that if now living he could furnish additional testimony relative to his ancestors.

You are therefore requested to advise the parties in interest as to the nature of your rules for taking testimony and that they will be allowed thirty days in which to furnish additional testimony, either oral or written, in accordance therewith in support of their claims."

Article fourteen of the treaty of September 27, 1830, herein referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that their Choctaw ancestors resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of article fourteen of said treaty of 1830 above quoted.

H P 3

You are hereby notified that in accordance with instructions of the Secretary of the Interior, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, April 13, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of the claims of the several applicants in this consolidated case.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of applications for identification as Mississippi Choctaws and prefers, whenever possible, to have the personal appearance of witnesses for the purpose of testifying in person, but in the event that witnesses are incapacitated from making personal appearance on account of old age or infirmity, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications, a copy of which rules and regulations is herewith enclosed.

Respectfully,

Registered



Chairman.

R & R Dep.

COPY.

Muskogee, Indian Territory, May 31, 1904.

Elizabeth Preston,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 7th day of May, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Johnson et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

(SIGNED)

Tame Dixie.

Chairman.

No

131

For Identification as a Mississippi Choctaw.

Meridian Miss

(Date

FEB 7 1902

Name

Elizabeth J. Proctor

Age

41

Blood

1/4

Post Office

Yazoo City, Miss.

Father:

George Johnson

Mother:

Mary Johnson

Claims through

Father

Grand

Children:

Stenographer

J. S. Niles

Choctaw MCR 4685

Millie Johnson

See MCR 4686

MCR 4685

4685

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 7th, 1902.

In the matter of the application of Millie Johnson for the identification of herself and five minor children, Jasper, James, Finis, Sironis and Ollie Johnson, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicants,
A.W. Jones, Agent for applicants.

Said Millie Johnson, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Millie Johnson.
Q How old are you? A Forty-nine.
Q How much Choctaw blood have you? A One-quarter.
Q What is your postoffice address? A Yazoo City, Mississippi.
Q How long have you lived in Yazoo City? A All of my life.
Q Is your father living? A Yes sir.
Q What's his name? A George Johnson.
Q Is your mother living? A No sir.
Q What was her name? A Mary Johnson.
Q Through which one of your parents do you get your Choctaw blood?
A Father.
Q You claim, then, that your father is one-half Choctaw? A Yes sir.
Q Has he ever been before the Commission? A Not as I know of.
Q About how old is he? A Eighty-seven I believe-I don't know, sir, how old.
Q Was he a slave? A No sir.
Q Was your mother a slave? A No sir.
Q Were you? A No sir.
Q Where was your father born? A Yazoo County, Mississippi.
Q And he has lived there all his life? A All his days to my recollection-that's where I first seen him.
Q Through which one of his parents did he get his Choctaw blood?
A His mother.
Q What was her name? A Malinda Johnson.
Q How long has she been dead? A Twenty-nine years, I think.
Q Do you remember her well? A Yes sir.
Q Was she a full blood Choctaw Indian? A Yes sir.
Q Did she speak and understand the Choctaw language? A She talked some kind of language-she called it Choctaw-I didn't know what she was talking about.
Q You don't understand it yourself? A No sir.
Q Does your father? A He talks some-he calls it Choctaw.
Q Are you willing to swear positively that your father can speak and understand the Choctaw language? A I can't swear it because I don't know, sir.
Q Where was Malinda born? A In Mississippi, Yazoo County.
Q Lived there all her life? A All her days to my knowing.
Q Did you ever hear that she was born there in Yazoo County? A Yes sir.
Q Did she have a Choctaw name? A I don't know, sir.
Q What was your father's father's name? A I don't know, sir.
Q Were your father and mother lawfully married? A I don't know, sir.
Q Did they ever live together as man and wife? A I don't know that either.

Millie Johnson et al--2

- Q How long did they live together? A I don't know, sir.
- Q Haven't you any idea? A Yes sir, they was lawfully married-my father and mother.
- Q How long did they live together as man and wife? A I don't know, sir-until she died.
- Q How many children did they have? A Ten.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q Has he any Choctaw blood? A Not that I know of.
- Q You make no claim for him, then? A No sir.
- Q What's his name? A Richard Johnson.
- Q How many children have you living who are under 21 years of age and unmarried? A Five.
- Q What are their names and ages? A Jasper Johnson.
- Q How old is Jasper? A Fourteen years old.
- Q Next one? A James Johnson.
- Q How old is James? A Thirteen years old.
- Q Next one? A Finis Johnson.
- Q Is that a boy or girl? A Boy.
- Q How old? A Eleven years old.
- Q Next one? A Sironis Johnson.
- Q Boy? A Yes sir.
- Q How old? A Ten years old.
- Q Next one? A Ollie Johnson.
- Q Boy or girl? A Girl.
- Q How old? A Five years old.
- Q That is all your children who are under 21 years of age and unmarried? A Yes sir.
- Q This application, then, is for yourself and five minor children, is that correct? A Yes sir.
- Q Is your name or the name of any one of these children on any of the Choctaw Tribal rolls in Indian Territory? A Not as I know of.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory, for yourself or any one of these children, to be admitted or enrolled as members of that Tribe? A No sir.
- Q Did you ever make such an application to the United States authorities? A No sir.
- Q Is this the first application of any description that has ever been made for yourself or anyone of these children? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A I heard my grandmother x x
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them

here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out to the new country west of the Mississippi River might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article? A Part of it.

Q What part of it is it you don't understand? A I don't understand the most of it.

I will try to explain it to you so you will understand it. You will understand, first, that the requirements of that 14th article were requirements which referred to Indians who lived here 71 years ago when this treaty was made. If a Choctaw who lived here at that time when the treaty was made, decided that he wanted to stay here in Mississippi and not move out west of the Mississippi to the new Nation, he was required by the terms of that 14th article to let the Agent of the Government here in Mississippi, for the Choctaws, know, within six months from the time this treaty was ratified--and the treaty was ratified on the 24th day of February, 1831, that he wanted to stay here and he was then entitled to a reservation of one section of six hundred and forty acres of land here in Mississippi to be bounded by sectional lines of survey and he was also entitled to one half that quantity for each unmarried child which was living with him at the time this treaty was made--the 27th day of September, 1830--who was over ten years of age, and for each child under ten

years of age on that date he was entitled to a quarter section of land. The reservations of these children were required to adjoin the location of the parent and these reservations must, under the provisions of the 14th article include the improvement of the head of the family as it existed on the 27th day of September, 1830, the day the treaty was made. Now, if the Indian lived on this land intending to become a citizen of the States for five years from February 24, 1831, the day the treaty was ratified, he was entitled to a grant in fee simple for the land, that is the Government would give him a deed or patent to the land and it would belong to the Indian. Now, this 14th article provided, further, that persons who claimed under that article and stayed here in Mississippi and took land, should not, by reason of their having done so, lose the privilege of a Choctaw citizen but if they ever removed were not to be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Choctaw Indians under treaty provisions.

Q I have explained to you fully the provisions of article 14 of the treaty of Dancing Rabbit Creek. Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits there-under? A My grandmother.

Q What about your grandmother? A They didn't none that I know of. My grandmother was---

Q What about your grandmother? A She remained by some-some Agent or other. She remained for her rights but was scared out by some Agent or other from drunkenness and in going through the cane she skinned her leg-it was so all of her days.

Q When did you first hear her make that statement? A I can't remember the time cause I don't know, sir.

Q You never did hear your grandmother say that, did you? A Yes sir, she's the only one I heard talk about the nation-Choctaw-and their rights. I couldn't understand her.

Q How old were you when she told you that? A I don't know, sir.

Q Where did she tell you that? A In Mississippi-in Yazoo County.

Q Where? A I don't know, sir, what brought it up or nothing about that-I didn't keep nothing to remember it.

Q What else did she tell you on this subject? A Nothing but that.

Q What one of your Choctaw ancestors was living here in Mississippi in 1830-71 years ago? A My father and his mother.

Q Where did they live at that time? A In Mississippi-Yazoo.

Q How do you know that? A That's the only place I know anything about. That's the only place I ever seen them.

Q You aren't 71 years old-do you know where they lived before you were born? A No sir.

Q Did any of your Choctaw ancestors own an improvement here in Mississippi in the year 1830 when this treaty was made? A None that I know of.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know, sir.

Millie Johnson et al---5

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not that I know of.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q None of them ever got any, you are sure? A No sir.

Q Did any of them ever get any money from the Government? A No sir.

Q None of your people, so far as you know, ever received any benefits as Choctaw Indians? A No sir, none of them.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land, under that 14th article. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress providing for the continuance of the Commission, they were unable to dispose of but a comparatively small number of cases, so it became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings and another act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the 40's and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A None that I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Yes sir, there are some living.

Q That would know whether your ancestors got land under that 14th article? A No sir, none of them would know that--because she never got anything.

Q How old are these persons referred to by you? A I don't know, sir.

Q Give us the names of some of them? A There are some colored one and some white ones.

Q What are their names? A Jim Cheatan is one--a colored man.

Q How old is Jim? A I don't know, sir.

Q About how old? A I don't know, sir. County

Q Where does he live? A Stays in Yazoo ~~Sty~~ Mississippi. He is a farmer.

Q Give us the name of another? A I don't know any more. There aint but that one that I know that's living.

Q Have you any written evidence of any kind to offer? A No sir.

Q Have you any witnesses here? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at Muskogee, Indian Territory and their testimony will be taken.

Q What is the matter with your father that he has never been before the Commission? A He's unable to get here.

Q How many children have you who are over age? A Three living.

Q What are their names? A George Swan, Thomas Swan and Ella Swan. I was married twice.

Q Have you another married daughter? A No sir, she's the only married daughter.

Q What is her husband's name? A George Stovall.

Q Have you any brothers or sisters living? A Only one brother and four sisters.

Q What is the name of the brother? A Thomas Johnson.

Millie Johnson et al---7

Q Where does Thomas live? A In Yazoo County, Mississippi.
Q Has he been before the Commission? A No sir.
Q He is your full brother, is he? A Yes sir.
Q Give us the names of your sisters? A Malinda Johnson.
Q Is she married? A Yes sir.
Q What is her husband's name? A Willie Johnson.
Q Next one? A Elizabeth Preston.
Q Next one? A Medora Nelson.
Q Next one? A Ada Nelson.
Q Is that all? A Yes sir.
Q Where do they live? A Yazoo.
Q Have they been before the Commission? A No sir, not that I know.
Q Are they here now? A Yes sir, they are here today.
Q Have you any brothers dead? A Two.
Q Did either of them leave children? A One did.
Q What was the name of the one that left children? A Jim Johnson.
Q How many children did he have? A Two.
Q Are they living now? A Yes sir.
Q What are their names? A Woodie Johnson and Alonzo Johnson.
Q With whom do Woodie and Alonzo live? A With their mother.
Q What is her name? A Amy Jones, now.
Q Has she been before the Commission? A No sir.
Q Where does she live? A Yazoo County.
Q Have you any sisters dead? A Yes sir.
Q How many? A One.
Q Did she leave children? A No sir.
Q Are any of your father's brothers or sisters living? A No sir.
Q Are any of the children of any of your father's brothers or sisters living? A No sir.
Q Are any of the grandchildren of any of them living? A No sir.

Examination by Mr. Jones:

Q How old did you say you was? A Forty-nine years old.
Q Born and raised in the State of Mississippi? A Yes sir.
Q Is your grandmother dead? A Yes sir.
Q Did she die in Mississippi? A Yes sir.
Q She was an Indian, was she? A Yes sir.
Q You oftentimes talked with her? A Yes sir.
Q You stated to the Commission a while ago something about her having a lame leg-what do you know about that leg? A I come to know about it by her being scared by some agent and her running through a cane thicket and skinned her leg.
Q What did she tell you about it? A She said she was running from some agent or other.
Q What did she say was the cause of her running-do you know anything about it? A No sir, I heard her say-
Q Did you know what it meant-you say you don't understand why she was running? A No sir, or what it was for.
Q You got the idea now since the Commission related it to you? A I suppose so.
Q How did you come to know that that leg was lame? A By the Indian.
Q What did you have to do with your grandmother-what made you notice that? A In her walking lane.

Millie Johnson et al---8

Q And that's how she came to tell you that? A Yes sir.
Q You claim that you don't know whether any persons living who might know x x? A None but Jim Cheatem.
Q That's all you know? A Yes sir.

Commission:

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood-her hair is black and perfectly straight-she does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 7th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles
Subscribed and sworn to before me this the 25th day of February, 1902, at Franks, Mississippi.

L. B. Moody
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

Muskogee, Indian Territory, August 5th, 1902.

Millie Johnson,

Vicksburg City, Mississippi.

Dear Madam:

You are hereby advised that on the 7th day of August, 1902, the Commissioner to the Five Civilized Tribes rendered a decision in the consolidated case of George Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

George Johnson,	M.C.R	4687
Millie Johnson, et al.,	"	4688
Elizabeth Preston,	"	4689
Madora Nelson, et al.,	"	4683
Malinda Johnson, et al.,	"	4686
Ada Nelson, et al.,	"	4681
Emma Oakes, et al.,	"	4680

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 445), which is as follows:

"Said Commission shall have authority to determine the identity of choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that and may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

Willie Johnson-2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Johnson, Willie Johnson, Jasper Johnson, James Johnson, Finis Johnson, Bironis Johnson, Ollie Johnson, Elizabeth Preston, Vadora Nelson, Caldonia Nelson, Helen Nelson, Ulysses C. Nelson, Charlotte Nelson, Leon W. Nelson, Malinda Johnson, Lula Johnson, Charlie Johnson, Ada Nelson, Allison Nelson, Daisy L. Nelson, Emma Oakes and Alma Oakes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

Muskogee, Indian Territory, March 14, 1903.

Millie Johnson,
Yazoo City, Mississippi.

Dear Madam:

The Secretary of the Interior, with his letter of February 25, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of George Johnson, et al., with instructions that the several applicants included therein be granted an opportunity to introduce further testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The Department is in possession of a 'Schedule of those Choctaws who received land under the provisions of the 14th article of the treaty of 1830 by remaining upon the land five years in accordance with the provisions of that article,' prepared by the Indian Office. Said schedule contains certain information which may relate to this case, as shown by the following entries:

'Johnson, Mary,
Head of family; received 1&1/2 sections lands;
2 children under 10.'
'Johnson, George,
Head of family; received 3 sections land;
4 children over, 4 under 10.'
'Johnson, Silas D., over 10;
parent George Johnson.'

The question as presented by the record is this: Were the beneficiaries named in said schedule identical in person with the principal applicant or with any of his ancestors? It is impossible to answer this question satisfactorily without further information than that contained in the record.

M J 2

In as much as George Johnson, the principal applicant, was about thirteen years of age in 1830, it is probable that if now living he could furnish additional testimony relative to his ancestors.

You are therefore requested to advise the parties in interest as to the nature of your rules for taking testimony and that they will be allowed thirty days in which to furnish additional testimony, either oral or written, in accordance therewith in support of their claims."

Article fourteen of the treaty of September 27, 1830, herein referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parents. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that their Choctaw ancestors resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of article fourteen of said treaty of 1830 above quoted.

M J 3

You are hereby notified that in accordance with instructions of the Secretary of the Interior the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, April 13, 1908, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of the claims of the several applicants in this consolidated case.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of applications for identification as Mississippi Choctaws and prefers, whenever possible, to have the personal appearance of witnesses for the purpose of testifying in person, but in the event that witnesses are incapacitated from making personal appearance on account of old age or infirmity, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications, a copy of which rules and regulations is herewith enclosed.

Respectfully,

R & R Dep.

Chairman.

Registered.

COPY.

M.C.B. 4688

Muskogee, Indian Territory, May 22, 1904.

Millie Johnson,

Yazoo City, Mississippi.

Dear Madam:

You are hereby notified that on the 7th day of May, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Johnson et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

(SIGNED)

Tams Dixby.

Chairman.

#1725

No -

4685

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date

FEB 7 1902

Name

Millie Johnson

Age 49

Blood $\frac{1}{4}$

Post Office,

Yazoo City, Miss

Father:

George Johnson

Mother:

Mary

Claims through father
husband:

Richard Johnson

(No claim for husband)

Claims for ...

Children:

Jasper Johnson

14

James

"

13

Finis

"

(m) 11

Sironis

"

(m) 10

Ollie

"

(F) 5

Father's mother Malinda Johnson f.b.g.

Stenographer

J. S. Miles

Choctaw MCR 4686

George Johnson
by

Madora Nelson

See MCR 4680, 4681, 4682
4683, 4684, 4685

MCR 4686

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of George Johnson, et al., for identification as Mississippi Choctaws, consolidating the following applications:

George Johnson,	M C R 4686
Millie Johnson, et al.,	M C R 4688
Elizabeth Preston,	M C R 4684
Madora Nelson, et al.,	M C R 4683
Malinda Johnson, et al.,	M C R 4682
Ada Nelson, et al.,	M C R 4681
Fann Oaks, et al.,	M C R 4680

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of George Johnson, et al.

Page.

Original application of George Johnson to the Dawes Commission for identification as Mississippi Choctaw - - - - -	1
Original application of Millie Johnson, et al., to the Dawes Commission for identification as Mississippi Choctaws - -	4
Original application of Elizabeth Preston, et al. to the Dawes Commission for identification as a Mississippi Choctaw - - - -	12
Original application of Madora Nelson, et al., to the Dawes Commission for identification as Mississippi Choctaws - - - - -	18
Original application of Malinda Johnson, et al., to the Dawes Commission for identification as Mississippi Choctaws - -	23

Page.

Original application of Ada Nelson, et al., to the
Dawes Commission for identification as Mississippi Choctaws - 26

Original application of Emma Oaks, et al., to the Dawes
Commission for identification as Mississippi Choctaws - - - - 30

Decision of the Commission denying the applications of
George Johnson, Millie Johnson, et al., Elizabeth Preston, Nadora
Nelson, Malinda Johnson, et al., Ada Wilson, et al., and
Emma Oaks, et al., for identification as Mississippi Choctaws - 32

J. W. L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Johnson, et al., for identification as Mississippi Choctaws, consolidating the applications of

George Johnson.....	H.C.R.	4696
Millie Johnson, et al.....	H.C.R.	4698
Elizabeth Preston.....	H.C.R.	4694
Madara Nelson, et al.....	H.C.R.	4693
Malinda Johnson, et al.....	H.C.R.	4695
Ada Nelson, et al.....	H.C.R.	4691
Rena Gales, et al.....	H.C.R.	4692

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Madara Nelson for her father, George Johnson; by Millie Johnson for herself and her five minor children, Jasper, James, Fanie, Sirenia and Ella Johnson; by Elizabeth Preston for herself; by Madara Nelson for herself and her five minor children, Caldonia, Helen, Wynnes G., Charlettie and Leon V. Nelson; by Malinda Johnson for herself and her two minor children, Lula and Charlie Johnson; by Ada Nelson for herself and her two minor children, Allama and Daisy L. Nelson; and by Rena Gales for herself and her minor child, Alma Gales, under the following provision of the act of Congress approved

(2).

June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Malinda Johnson, who is alleged to have been a full-blood Cheetaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

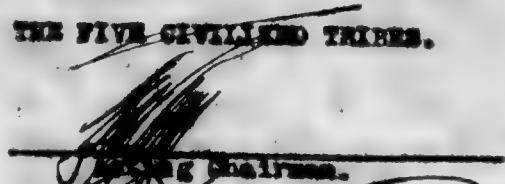
It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Cheetaw tribal authorities as a member of the Cheetaw tribe, or admitted to Cheetaw citizenship by a duly constituted court or committee of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provision of the act of Congress approved June 10, 1896, (29 Stats., 321).

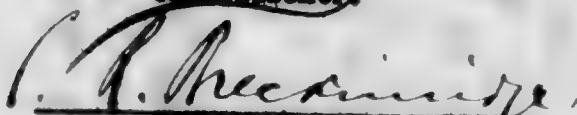
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Malinda Johnson, or ancestors less remote, or the applicant George Johnson, signified (in par-

son or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Johnson, Millie Johnson, Jasper Johnson, James Johnson, Finis Johnson, Sirenia Johnson, Ollie Johnson, Elizabeth Preston, Madera Nelson, Caldenia Nelson, Helen Nelson, Wlysses C. Nelson, Charlettie Nelson, Leon W. Nelson, Malinda Johnson, Lula Johnson, Charlie Johnson, Ada Nelson, Allena Nelson, Daisy L. Nelson, Emma Oakes and Alma Oakes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Muskogee, Indian Territory,

AUG 7 1902

4686

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 7th, 1902.

In the matter of the application of George Johnson for identification as a Mississippi Choctaw, represented by his daughter Madora Nelson.

APPEARANCES: S.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Madora Nelson, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Madora Nelson.
Q How old are you? A Thirty-five years old.
Q What is your postoffice address? A Yazoo City, Mississippi.
Q How long have you lived in Yazoo City? A All my life.
Q Are you the Madora Nelson who appeared before the Commission here this morning and made application in your own behalf and in behalf of your five minor children for identification as Mississippi Choctaws? A Yes sir.
Q For what purpose do you appear before the Commission at this time?
A I appear before the Commission at this time for the purpose of making application for the identification of my invalid father, George Johnson, as a Mississippi Choctaw.
Q How long has your father been an invalid? A Three years.
Q Has he been confined to his room constantly for that time? A Yes sir, more now than he was three years ago.
Q Is he able to move around at all? A At times he is.
Q Is he physically able to make a trip to Meridian, Mississippi, from his home? A No sir, he is not.
Q How long since he has been able to make a trip of that kind?
A It has been three years.
Q Have you any written or verbal authority from him to make this application in his behalf? A No sir, I have not.
Q Has anyone else made application for him? A No sir.
Q With whom does he live? A With me.
Q He lives in your family, does he? A Yes sir.
Q How long has he lived in your family? A He has been with me about three years.
Q Did you have any conversation about this matter with him before leaving home? A No sir, no more than I told him I was coming over here to tend to some business. I asked him if he desired to come over if he wanted me to make an application and he said if I could because he was unable.
Q It is his desire, then, that this application be made in his behalf, is it? A Yes sir, the Doctor who treats him is in the room and will make a statement as to his physical condition.

Lloyd T. Miller, witness on behalf of the applicant, ~~has~~ being first duly sworn, testified as follows:-

Examination by the Commission.

Q What is your name? A Lloyd T. Miller.
Q How old are you? A Thirty years old.

George Johnson--2

- Q What is your postoffice address? A Yazoo City, Mississippi.
Q What is your occupation? A Physician.
Q How long have you lived in Yazoo City? A About nine years--since '93.
Q Are you acquainted with this applicant Madora Nelson? A Yes sir.
Q How long have you known her? A About eight years and a half.
Q Are you acquainted with her father? A Yes sir.
Q What's his name? A George Johnson.
Q How long have you known him? A About seven years.
Q Are you acquainted with his physical condition at this time? A Yes sir.
Q What is it? A He has chronic valvular disease of the heart and scrotal hernia. He is incapacitated for labor and for traveling. He is about eighty-six years of age.
Q Is he physically able to make the trip from Yazoo City to Meridian? A He is not.
Q How long has he been in his present condition? A About five years.
Q Do you think this trip would endanger his life? A Yes sir.
Q Is he confined to his room constantly? A At times he is.

(Witness excused)

Madora Nelson, recalled, testified as follows:-

Examination by the Commission.

- Q How old is your father? A I think he's eighty-five or eighty-six.
Q How much Choctaw blood has he? A Half.
Q What is his postoffice address? A Yazoo City.
Q Is his father living? A No sir.
Q What was his name? A I don't know.
Q Did his father have any Choctaw Indian blood? A None as I know of.
Q Is your father's mother living? A No sir.
Q What was her name? A Malinda Johnson.
Q He got his Choctaw blood through her? A Yes sir.
Q She, then, was a full blood Choctaw, was she? A Yes sir.
Q In the application you made in your own behalf you testified as to everything within your knowledge concerning your Choctaw ancestors, did you not? A Yes sir.
Q And you also testified fully as to everything within your knowledge as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Special reference is here made to the testimony of this applicant and her four sisters, Malinda Johnson, Elizabeth Preston, Ada Nelson and Millie Johnson, heard on this date at Meridian, Mississippi.

- Q Are any of your father's brothers or sisters living? A No sir.
Q Did he ever have any to your knowledge? A One sister.
Q How long has she been dead? A I couldn't tell you--I was very small--I don't know how long it has been.

George Johnson---3

Q Did she leave any children? A Yes sir, but they are dead.
Q Your father and his descendants, then, are the only living descendants of Malinda Johnson-a full blood Choctaw-your father's mother?
A Yes sir.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 7th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 26th day of February, 1902, at Franks, Mississippi.

L. B. Mosely
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *J. M. W.*

Deputy.

Washoe, Indian Territory, August 7, 1902.

Hansfield, McMuray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of the case of George Johnson, et al., concerning the following applications for identification as Mississippi gamblers:

George Johnson,	M.C.R.	4686
Willie Johnson, et al.,	"	4685
Elizabeth Preston,	"	4684
Madara Nelson, et al.,	"	4683
Malinda Johnson, et al.,	"	4682
Ada Nelson, et al.,	"	4681
Wm. Oates, et al.,	"	4680

These applications were made under the provisions of the act of Congress of June 23, 1893 (30 Stats., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Johnson, Willie Johnson, Jasper Johnson, James Johnson, Minis Johnson, Sironis Johnson, Ollie Johnson, Elizabeth Preston, Madona Nelson, Caldonia Nelson, Helen Nelson, Ulysses C. Nelson, Charlottis Nelson, Leon W. Nelson, Malinda Johnson, Lula Johnson, Charlie Johnson, Ada Nelson, Allzema Nelson, Daisy L. Nelson, Anna Oakes and Alma Oakes as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Thomas J. Smith
Acting Chairman.

M.C.R. 4686

Muskogee, Indian Territory, August 7, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of George Johnson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 7th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

George Johnson,	M.C.R. 4686
Millie Johnson, et al.,	" 4685
Elizabeth Preston,	" 4684
Madora Nelson, et al.,	" 4683
Malinda Johnson, et al.,	" 4682
Ada Nelson, et al.,	" 4681
Ema Oakes, et al.,	" 4680

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.
1 enclosure.

By
Acting Chairman.

Muskogee, Indian Territory, August 7, 1902.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

George Johnson,	M C R 4686
Millie Johnson, et al.,	M C R 4686
Elizabeth Preston,	M C R 4684
Madora Nelson, et al.,	M C R 4683
Malinda Johnson, et al.,	M C R 4682
Ada Nelson, et al.,	M C R 4681
Rama Coker, et al.,	M C R 4680

These applications were made under the provisions of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

S A B-2.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Johnson, Millie Johnson, Jasper Johnson, James Johnson, Finis Johnson, Sironis Johnson, Ellie Johnson, Elizabeth Preston, Madara Nelson, Caldonia Nelson, Helen Nelson, Wynnes C. Nelson, Charlotte Nelson, Isaac W. Nelson, Malinda Johnson, Lula Johnson, Charlie Johnson, Ada Nelson, Allene Nelson, Daisy L. Nelson, Emma Olson and Ellen Olson as Chippewa Indians entitled to rights in the Chippewa lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tamm Luby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, August 7th, 1902.

George Johnson,
Vazoo City, Mississippi.

Dear Sir:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

George Johnson,	M.C.R.	4686
Millie Johnson, et al.,	"	4685
Elizabeth Preston,	"	4684
Madora Nelson, et al.,	"	4683
Malinda Johnson, et al.,	"	4682
Ada Nelson, et al.,	"	4681
Emma Oakes, et al.,	"	4680

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

George Johnson-2

"It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Johnson, Millie Johnson, Jasper Johnson, James Johnson, Finis Johnson, Sironis Johnson, Ollie Johnson, Elizabeth Weston, Madora Nelson, Caldonia Nelson, Helen Nelson, Olysses C. Nelson, Charlotte Nelson, Leon W. Nelson, Malinda Johnson, Lula Johnson, Charlie Johnson, Ada Nelson, Allzona Nelson, Daisy L. Nelson, Emma Oakes and Alma Oakes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

M.C.R. 4686

Muskogee, Indian Territory, August 7, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

George Johnson,	M.C.R. 4686
Millie Johnson, et al.,	" 4685
Elizabeth Preston,	" 4684
Madora Nelson, et al., et al.,	" 4683
Malinda Johnson, et al.,	" 4682
Ada Nelson, et al.,	" 4681
Rama Oakes, et al.,	" 4680

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

AWJ _____ 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Johnson, Millie Johnson, Jasper Johnson, James Johnson, Finis Johnson, Sironis Johnson, Ollie Johnson, Elizabeth Preston, Madora Nelson, Caldonia Nelson, Helen Nelson, Ulysses C. Nelson, Charlotte Nelson, Leon V. Nelson, Melinda Johnson, Lula Johnson, Charlie Johnson, Ada Nelson, Allison Nelson, Daisy L. Nelson, Mama Oakes and ~~John~~ Oakes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

H.O.R. 4002.

Muskogee, Indian Territory, August 20, 1908.

A.J. Oakes,

Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th inst., giving information relative to Tom (or Thomas) Johnson whom you state is an applicant to this Commission for identification as a Mississippi Choctaw. You state that certain documentary evidence was sent to A.W. Jones, Attorney at Law, to be filed in this case. You ask if the same has been done; and wherein the evidence in this case and the case of Mrs. Emma L. Oakes was insufficient.

In reply, you are informed that the Commission on August 7, 1908, rendered its decision refusing the application of Emma Oakes for the identification of herself and minor child as Mississippi Choctaws; and on the same date notified her of such decision and of the forwarding of the record to the Secretary of the Interior for review. She will be duly notified of such action as may be taken by him.

A J O R

The information given in your letter enables us to identify Tom (Thomas) Johnson as Thomas Johnson; age, 51 years; residence, Eden Mississippi; name of father, George Johnson; name of mother, Mary Johnson; who is an applicant to this Commission for the identification of himself and six minor children as Mississippi Choctaws, having made such application before the Commission at Meridian, Mississippi, February 15, 1902.

There have been filed in support of this claim the ex parte affidavits of James Cheatham, Marshall Colman and Cornelius Jones; and a certified copy of the marriage record between Thomas Johnson and Aloy Clark.

The Commission has not at this time rendered ~~any~~^a decision in this case, but is now considering the right of these persons to identification as Mississippi Choctaws, and it is probable a decision will be rendered in the near future. Upon the rendition thereof, the applicants will be duly notified of such decision, and of the forwarding of the record to the Secretary of the Interior for review.

Relative to the insufficiency of the evidence in these cases, your attention is invited to the provision of the act of Congress approved June 28, 1898, which is as follows;

*Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts

necessary thereto, and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, referred to in the above legislation, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission in determining the right of persons to be identified as Mississippi Choctaws requires that the applicants reasonably demonstrate that they are the descendants of Choctaw ancestors who resided within the territorial limits of the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted or were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

Acting Chairman.

A J O 4

The Assistant Attorney General for the Interior Department, in an opinion of December 3, 1901, defining the power of this Commission to identify so called Mississippi Choctaws under the provision of the act of Congress approved June 28, 1898, used the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty'."

It would, therefore, in order for the persons included in these applications to obtain rights as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, be necessary to show that the least remote of their ancestors, who was living at the date of the conclusion of the treaty of 1830, was a beneficiary under the provisions of article fourteen thereof.

Yours truly,

Acting Chairman.

(COPY)

Land'
47489-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 12, 03.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following persons, wherein a decision adverse to their applicants was rendered by the Commission on August 7, 1902.

Madora Nelson, for her father, George Johnson; Millie Johnson, for herself and her five children, Jasper, James, Finis, Sironis and Ollie Johnson; by Elizabeth Preston; Madora Nelson, for herself and her five children, Caldonia, Helen, Ulysses C., Charlotte and Leon W. Nelson; Malinda Johnson, for herself and her two children, Lula and Charlie Johnson; Ada Nelson, for herself and two minor children, Allzena and Daisy L. Nelson; Emma Oakes, for herself and her child, Alma Oakes.

It appears from the evidence in this case that the applicants base their claims to identification as Mississippi Choctaws on their descent from one Malinda Johnson, who, it is claimed, was a member of the Choctaw tribe and resided in Mississippi or Alabama in 1830.

The Commission bases its decision rejecting these parties on the ground that its records do not show that Malinda Johnson, or ancestors less remote, or the applicant, George Johnson, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

It appears from an examination of the records of this office that there were Johnsons who received land under the 14th article of the treaty of 1830, but this office has only the name of the head of the family, The name of Malinda Johnson is not found as one of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and it is recommended that the decision of the Commission rejecting the applicants be approved, but that the Commission be instructed to furnish applicants with a copy of this letter and notify them that they may apply for a rehearing on submission of proof relative to the family of Malinda Johnson.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H. H'r.

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D.C. 5899

I.T.D. 1826-1903.

L.R.S.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

J.W.H.

FHE

February 25, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 7, 1902, you transmitted the record in the consolidated case embracing the applications of George Johnson (M.C.R. 4686) et al., for identification as Mississippi Choctaws.

You refused to identify the applicants because the records in your possession failed to show that they or any of their alleged ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

George Johnson, the oldest of these applicants, is a 1/2 blood Choctaw, who was born in 1817 in Yazoo county, Mississippi. The other applicants are his children and grand children.

The testimony in this case fails to show the name of George Johnson's father.

It appears however, that his mother's name was Malinda Johnson; that she was a full blood Choctaw and that she was born about 1802 in Yazoo county, Mississippi, where she lived during the

greater part of her life. The testimony of Millie Johnson tends to show that the said Malinda Johnson attempted to comply with the provisions of Article 14 of the treaty of Dancing Rabbit Creek.

Reporting in the matter February 12, 1903, the Acting Commissioner of Indian Affairs stated that

"It appears from an examination of the records of this office that there were Johnsons who received land under the 14th article of the treaty of 1830, but this office has only the name of the head of the family. The name of Malinda Johnson is not found as one of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and it is recommended that the decision of the Commission rejecting the applicants be approved, but that the Commission be instructed to furnish applicants with a copy of this letter and notify them that they may apply for a rehearing on submission of proof relative to the family of Malinda Johnson."

The Department is in possession of a

"Schedule of those Choctaws who received land under the provisions of the 14th article of the Treaty of 1830 by remaining upon the land five years in accordance with the provisions of that Article,"

prepared by the Indian Office. Said schedule contains certain information which may relate to this case, as shown by the following entries:

"Johnson, Mary,
Head of family; received 1 1/2 sections lands;
2 children under 10."

"Johnson, George,
Head of family; received 3 sections land;
4 children over, 4 under 10."

"Johnson, Silas D., over 10;
parent, George Johnson."

The question as presented by the record is this: Were the beneficiaries named in said schedule identical in person with the

principal applicant or with any of his ancestors? It is impossible to answer this question satisfactory without further information than that contained in the record.

In as much as George Johnson, the principal applicant, was about 13 years of age in 1830, it is probable that if now living he could furnish additional testimony relative to his ancestors.

You are therefore requested to advise the parties in interest as to the nature of your rules for taking testimony and that they will be allowed thirty days in which to furnish additional testimony, either oral or written, in accordance therewith in support of their claims. In so doing it is desired that you inform the principal applicants that there were a number of families of the name of Johnson who complied with the provisions of article 14 of the treaty of September 27, 1830; that the question of identity is the paramount one in their case, and that therefore, the testimony to be produced by them should show as nearly as possible the names, parentage, place of residence, and date of birth of their ancestors.

The case is herewith remanded for further proceedings in accordance with the instructions given above. The record in the case, and a copy of the Acting Commissioner's letter are enclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, March 14, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

The Secretary of the Interior, with his letter of February 25, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of George Johnson, et al., with instructions that the several applicants included therein be granted an opportunity to introduce further testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The Department is in possession of a 'Schedule of those Choctaws who received land under the provisions of the 14th article of the treaty of 1830 by remaining upon the land five years in accordance with the provisions of that article,' prepared by the Indian Office. Said schedule contains certain information which may relate to this case, as shown by the following entries:

- 'Johnson, Mary,
Head of family; received 1 1/2 sections lands;
2 children under 10.'
- 'Johnson, George,
Head of family; received 3 sections land;
4 children over, 4 under 10.'
- 'Johnson, Silas D., over 10;
parent George Johnson.'

The question as presented by the record is this: Were the beneficiaries named in said schedule identical in person with the principal applicant or with any of his ancestors? It is impossible to answer this question satisfactorily without further information than that contained in the record.

A W J 2

In as much as George Johnson, the principal applicant, was about thirteen years of age in 1830, it is probable that if now living he could furnish additional testimony relative to his ancestors.

You are therefore requested to advise the parties in interest as to the nature of your rules for taking testimony and that they will be allowed thirty days in which to furnish additional testimony, either oral or written, in accordance therewith in support of their claims."

Article fourteen of the treaty of September 27, 1830, herein referred to, is as follows:

"Each Choctaw head of a family being desirous to remain, and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that their Choctaw ancestors resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of article fourteen of said treaty of 1830 above quoted.

A W J 3

You are hereby notified that in accordance with instructions of the Secretary of the Interior, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, April 13, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of the claims of the several applicants included in this consolidated case.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw applications and prefers, whenever it is possible, to have the personal appearance of witnesses for the purpose of testifying in person, but in the event that witnesses are incapacitated from making personal appearance on account of age or infirmity, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

Respectfully,

Registered

R & R Dep.

Chairman.

Muskogee, Indian Territory, March 14, 1903.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi;

Dear Sir:

The Secretary of the Interior, with his letter of February 25, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of George Johnson, et al., with instructions that the several applicants included therein be granted an opportunity to introduce further testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The Department is in possession of a 'Schedule of those Choctaws who received land under the provisions of the 14th article of the treaty of 1830 by remaining upon the land five years in accordance with the provisions of that article,' prepared by the Indian Office. Said schedule contains certain information which may relate to this case, as shown by the following entries:

'Johnson, Mary,
Head of family; received 1&1/2 sections lands;
2 children under 10.'
'Johnson, George,
Head of family; received 3 sections land;
4 children over, 4 under 10.'
'Johnson, Silas D., over 10;
parent George Johnson.'

The question as presented by the record is this: Were the beneficiaries named in said schedule identical in person with the principal applicant or with any of his ancestors? It is impossible to answer this question satisfactorily without further information than that contained in the record.

S A B 2

In as much as George Johnson, the principal applicant, was about thirteen years of age in 1830, it is probable that if now living he could furnish additional testimony relative to his ancestors.

You are therefore requested to advise the parties in interest as to the nature of your rules for taking testimony and that they will be allowed thirty days in which to furnish additional testimony, either oral or written, in accordance therewith in support of their claims."

Article fourteen of the treaty of September 27, 1830, herein referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that their Choctaw ancestors resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of article fourteen of said treaty of 1830 above quoted.

S A B 3

You are hereby notified that in accordance with instructions of the Secretary of the Interior, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, April 13, 1903, hear the testimony of such witnesses as present themselves in person and receive for consideration such documentary evidence as may be offered in support of the claims of the several applicants included in this consolidated case.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw applications and prefers, whenever possible, to have the personal appearance of witnesses for the purpose of testifying in person, but in the event that witnesses are incapacitated from making personal appearance on account of old age or infirmity, their depositions may be considered when taken in accordance with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

Respectfully,

Registered.

Chairman.

R & R Dep.

Muskogee, Indian Territory, March 14, 1903.

George Johnson,

Yazoo City, Mississippi.

Dear Sir:

The Secretary of the Interior, with his letter of February 25, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of George Johnson, et al., with instructions that the several applicants included therein be granted an opportunity to introduce further testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The Department is in possession of a 'Schedule of those Choctaws who received land under the provisions of the 14th article of the treaty of 1830 by remaining upon the land five years in accordance with the provisions of that article,' prepared by the Indian Office. Said schedule contains certain information which may relate to this case, as shown by the following entries:

- 'Johnson, Mary,
Head of family; received 1A1/2 sections lands;
2 children under 10.'
- 'Johnson, George,
Head of family; received 3 sections land;
4 children over, 4 under 10.'
- 'Johnson, Silas D., over 10;
parent George Johnson.'

The question as presented by the record is this: Were the beneficiaries named in said schedule identical in person with the principal applicant or with any of his ancestors? It is impossible to answer this question satisfactorily without further information than that contained in the record.

In as much as George Johnson, the principal applicant, was about thirteen years of age in 1830, it is probable that if now living he could furnish additional testimony relative to his ancestors.

You are therefore requested to advise the parties in interest as to the nature of your rules for taking testimony and that they will be allowed thirty days in which to furnish additional testimony, either oral or written, in accordance therewith in support of their claims."

Article fourteen of the treaty of September 27, 1830, herein referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parents. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that their Choctaw ancestors resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of article fourteen of said treaty of 1830 above quoted.

G J 3

You are hereby notified that in accordance with instructions of the Secretary of the Interior the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, April 13, 1905, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of the claims of the several applicants in this consolidated case.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of applications for identification as Mississippi Choctaws and prefers, whenever possible to have the personal appearance of witnesses for the purpose of testifying in person, but in the event that witnesses are incapacitated from making personal appearance on account of old age or infirmity, their depositions may be ~~submitted~~ considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications, a copy of which rules and regulations is herewith enclosed.

Respectfully,

R & R Dep.

Chairman.

Muskogee, Indian Territory, March 28, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you ask that you be furnished a copy of the testimony in the Mississippi Choctaw case of George Johnson, et al.

In compliance with your request there are herewith enclosed copies of testimony given by the following applicants included in the consolidated Mississippi Choctaw case of George Johnson, et al:

Emma Oakes, et al.,	M C R 4680
Ada Nelson, et al.,	M C R 4681
Malinda Jackson, et al.,	M C R 4682
Madora Nelson, et al.,	M C R 4683
Elizabeth Preston,	M C R 4684
Millie Johnson, et al.,	M C R 4685
Madora Nelson (for George Johnson)	M C R 4686.

Respectfully, }

McM 205

Chairman.

(C O P Y)

Will Practice in Court of Appeals
of the Indian Territory

Citizenship Cases a Specialty
Office 100 Main St
Telephone No. 106

A. W. J O N E S,
Attorney-at-Law.

Muskogee, Ind. Ter. April 10th 1905.

To the Honorable

The Commission to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Comes now A.W. Jones Att'y. for Geo. Johnson, et al, Miss. Choctaws Record #4686 and asks for 30 days continuance in these consolidated cases for this reason: Said George Johnson, principal applicant in this case, is confined to his bed and unable to see witnesses who are necessary to make a proper showing in this case.

Further your petitioner shows that he has written to said George Johnson asking him to send in a physicians affidavit as to the extent and nature of his illness.

Respectfully Submitted,

(Signed) A.W. Jones.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
APRIL 10, 1903.

In the matter of the application of George Johnson, et al., for identification as Mississippi Choctaws, M.C.R. 4686.

—*—

Now on the 10th day of April, 1903, comes A.W. Jones, attorney for applicant in the above entitled cause, and files a motion for continuance therein for thirty days from this date; and after consideration of the said motion, it is the opinion of the Commission that this continuance should be granted, and it is so ordered; and, further, that said attorney for applicant be advised of the action of the Commission and that the applicant will be allowed until Monday, May 11, 1903, to introduce further testimony in support of the above entitled cause.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tamr Bixby.
Chairman.

M C R 4686

Muskogee, Indian Territory, April 18, 1903.

George Johnson,

Yazoo City, Mississippi.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission granting a continuance in the consolidated Mississippi Choctaw case of George Johnson, et al., up to and inclusive of Monday, May 11, 1903.

Respectfully,

Chairman.

McM 412

Muskogee, Indian Territory, April 15, 1903.

A. W. Jones,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission granting a continuance in the consolidated Mississippi Choctaw case of George Johnson, et al., up to and inclusive of Monday, May 11, 1903.

Respectfully,

Chairman.

McM 139

M C R 4686

Muskogee, Indian Territory, April 29, 1903.

A. W. Jones,

Muskogee, Indian Territory.

Dear Sir:

There has been received at this office in an envelope bearing your return card, what purports to be an application for commission to take depositions in the Mississippi Choctaw case of George Johnson, et al., M C R 4686, and this application is returned to you herewith for the reason that sections B, C, D and E of Rule 2 of the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, have not been complied with. A copy of said rules and regulations is herewith enclosed.

Respectfully,

Chairman.

McM 77

Copy.

M. C. R. 4686

Muskogee, Ind. Ter. May 2nd 1903.

Comes now A. W. Jones, Att'y for Geo. Johnson et al , in consolidated Miss. Choctaw cases, and makes this his application for a continuance of the aforesaid cases for the purpose of obtaining affidavits for taking depositions. Your petitioner would respectfully ask that the said cases be continued for a period of sixty days in order that I may be able to obtain the affidavits of Geo. Johnson, to the effect that he is not able to appear before the Commission.

A. W. Jones

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 6th, 1903.

M C R 4686

-----oOo-----

In the matter of the consolidated Mississippi Choctaw
case of George Johnson, et al. .

Now on this 6th day of May, 1903, comes A. W. Jones, attorney for applicants in the above entitled cause, and files his motion for a continuance therein for sixty days from May 11, 1903, for the purpose of obtaining affidavits for taking depositions, and, after consideration of said motion, it is the opinion of this Commission that the same should be granted and it is so ordered; and further, that said attorney for the applicants be advised of the action of the Commission and that the applicants be allowed until Friday, July 10, 1903, to introduce further testimony in support of the above entitled cause.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory, May 8, 1903.

George Johnson,
Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of yourself and E. J. Johnson, M. D. as to your inability to appear before the Commission. In your affidavit you request that some person be appointed to take your deposition.

The above mentioned documents have been filed in the matter of your application for identification as a Mississippi Choctaw, and you are hereby notified that on May 6, 1903, the Commission granted a continuance of sixty days from May 11, 1903, in which you may present additional testimony in support of your application.

If you desire your testimony to be taken in the form of a deposition the same must be taken in strict conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules is herewith enclosed.

Respectfully,

M C R 4586

Muskogee, Indian Territory, May 9, 1903.

A. W. Jones,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed you herewith one copy of the decision of the Commission granting a continuance of sixty days from May 11, 1903, in the consolidated Mississippi Choctaw case of George Johnson, et al.

Respectfully,

Chairman.

McM 5-03

Muskogee, Indian Territory, May 12, 1903.

A. W. Jones,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, enclosing application to take depositions in support of the Mississippi Choctaw case of George Johnson. The same is returned to you herewith for the reason that sections B, D and E of rule 2, and rules 12 and 13 of the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications, have not been complied with. A copy of said rules and regulations is herewith enclosed, and you are informed that your application must be made in strict compliance therewith.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, May 25, 1903.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of your application to take the depositions of George Johnson, Cornelius Jones and Jim Cheatham, certificate of Dr. M. J. Johnson, a copy of the joint affidavit of Cornelius Jones and Jim Cheatham, and the statement of George Johnson, together with interrogatories to be propounded to himself, Jim Cheatham and Cornelius Jones.

Your attention is respectfully called to rule 2 of the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications, wherein it is provided that the applicant must file affidavit in which he sets forth the reason for the taking of such depositions; that the testimony of the witnesses is material to his claim; and specify the evidence sought to be adduced in the taking of such depositions.

The interrogatories herein are in proper form, but inasmuch as no affidavit has been filed by said George Johnson, the

A W J 2

papers herein are herewith returned. A copy of the above mentioned rules and regulations is enclosed.

Respectfully,

Commissioner in Charge.

R & R Dep
MoM 93

Muskogee, Indian Territory, July 10, 1903.

A. W. Jones,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your motion for a continuance of sixty days in the Mississippi Choctaw case of George Johnson, et al.

In reply you are informed that you will be allowed up to and inclusive of Thursday, September 10, 1903, within which to submit further evidence in support of said case.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 10, 1903.

A. W. Jones,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your motion for a continuance of sixty days in the Mississippi Choctaw case of George Johnson, et al.

In reply you are informed that you will be allowed up to and inclusive of Thursday, September 10, 1903, within which to submit further evidence in support of said case.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, September 4, 1903.

A. J. Oakes,
Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, wherein you ask if any depositions have been received by the Commission in support of the consolidated Mississippi Choctaw case of George Johnson, et al. You also ask if the decision of the Secretary of the Interior is final.

In reply you are informed that it does not appear from our records that any depositions have been received in support of said case.

You are further advised that the approval by the Secretary of the Interior of the Commission's decision is final.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 15, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On August 7, 1902, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of George Johnson, et al., together with its decision refusing the applications of the several applicants included therein for identification as Mississippi Choctaws.

With departmental letter of February 25, 1903 (I T D 1626-1903), the record in this consolidated case was remanded in order that the applicants might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission on March 14, 1903, notified the applicants and their attorneys, that they would be allowed up to and inclusive of April 13, 1903, to introduce additional evidence in support of their applications for identification as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On the 10th day of April, 1903, A. W. Jones, attorney for applicants, filed a motion for a continuance in said consolidated

case for thirty days, which said continuance was granted.

The affidavits of E. J. Johnson, M. D. and George Johnson were received on May 6, 1903; also the joint affidavit of Cornelius Jones and Jim Cheatham, May 8, 1903, offered in support of the application of George Johnson for identification as a Mississippi Choctaw.

A. W. Jones filed a motion for a continuance on May 6, 1903 for sixty days from May 11, 1903, and the same was granted. Also on July 10, 1903, in accordance with a motion of A. W. Jones, this case was continued until September 10, 1903.

On July 29, 1903, the deposition of George Johnson to be read in evidence in the matter of the application of Emma Oakes, et al., said application being a part of this consolidated case, was received.

The applicants have failed to show that they are the direct lineal descendants of Choctaw ancestors who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The additional proceedings in the consolidated Mississippi Choctaw case of George Johnson, et al., together with the original record in the case, are therefore herewith transmitted.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.
MOM 88

M C R 4686

Muskogee, Indian Territory, September 15, 1903.

A. W. Jones,
Agent,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, enclosing telegram relative to the physical condition of George Johnson. You state in your letter: "I desire to ask at your hands, no further time in this matter."

In reply you are informed that the record in the consolidated Mississippi Choctaw case of George Johnson, et al. was on September 15, 1903, forwarded to the Secretary of the Interior. The several applicants will be duly notified of such action as may be taken by him.

The telegram enclosed by you is herewith returned.

Respectfully,

Chairman.

McM 99

M C R 4686

Muskogee, Indian Territory, October 17, 1903.

A. J. Oakes,
Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, wherein you ask if A. W. Jones can collect any more money from the applicants in M C R 4686, "as client fees", in the event the Secretary of the Interior reports favorably on the case.

In reply you are informed that this is a matter which does not come within the jurisdiction of the Commission, and we are therefore unable to give you any advise relative thereto.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 18, 1904.

A. J. Oakes,

Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 10, 1904, in which you ask if all papers in the consolidated Mississippi Choctaw case of George Johnson, et al., have been forwarded to the Secretary of the Interior, and if a decision has been rendered in your case.

In reply to your letter you are advised that on September 15, 1903, the original record in the consolidated Mississippi Choctaw case of George Johnson, et al., which was remanded to this Commission on February 25, 1903, the affidavits of E. J. Johnson, M.D., the joint affidavit of Cornelius Jones and Jim Cheatham and the deposition of George Johnson to be read in evidence in the matter of the application of Emma Oakes, et al., for identification as Mississippi Choctaws, were forwarded to the Secretary of the Interior. Up to the present time the Commission has not been advised of any Departmental action in this case. When a decision is rendered by the Department in said

A. J. O., 2.

case, and the Commission is informed of such action, the several applicants will be duly notified.

Respectfully,

Commissioner in Charge.

M C R 4686
M C R 4808

Muskogee, Indian Territory, December 29, 1903.

Thomas Johnson,
Eden Station, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask the status of your application, and also that of your father, George Johnson, for identification as Mississippi Choctaws.

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself and six minor children as Mississippi Choctaws, but up to the present time no decision has been rendered relative to the rights of yourself and children to such identification. When a decision is rendered you will be notified thereof.

As to the status of the application of your father, George Johnson, you are advised that his right to be identified as a Mississippi Choctaw has not yet been finally determined, the record in said case being now in the hands of the Secretary of the Interior. He will be duly notified of any departmental action taken therein.

Respectfully,

Chairman.

Land.
60031-1903.

DEPARTMENT OF THE INTERIOR, (COPY).
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, April 23, 1904.

The Honorable,
Secretary of the Interior.

Sir:

Permit me to invite your attention to a letter of the Commission to the Five Civilized Tribes of September 15, 1903 referring to the fact that on February 25, 1903 (I.T.D. 1626-1903), the Department remanded the record in the consolidated Mississippi Choctaw case of George Johnson et al., in order that the applicants might be granted further opportunity to introduce evidence.

In accordance with the instructions of the Department, the Commission on March 14, 1903, notified the applicants and their attorneys that they would be allowed up to and inclusive of April 13, 1903, to introduce additional evidence in support of their applications for identification as Mississippi Choctaws and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations. On the 10th day of April, 1903, A. W. Jones, attorney for the applicants, filed a motion for a continuance in this case for thirty days, which continuance was granted.

The affidavits of E.J. Johnson, M.D., and George Johnson were received on May 6, 1903, also the joint affidavit of Cornelius Jones and Jim Cheatham, of May 8, 1903, offered in support of the application herein. On May 6, 1903, A. W. Jones filed a second motion for continuance for sixty days from May 11, 1903, which application was granted and also on July 10, 1903, in accordance with the motion of A.W. Jones, the case was continued until September 10, 1903.

On July 29, 1903, the deposition of George Johnson was taken to

be read in evidence in the matter of the application of Emma Oakes et al., which application is a part of this consolidated case was received by the Commission.

The Commission now says the applicants have failed to show that they are direct lineal descendants of Choctaw ancestors who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830 and the additional proceedings are submitted together with the original record in the case.

An examination of the record in this case shows that the applicants now base their claims to a right to identification as Mississippi Choctaws on their descent from Malinda Johnson, a sister of George Johnson, who is claimed to be identical with George Johnson who received a reservation of land under the 14th article of the Choctaw treaty of 1830. Whether it be true or not that the George Johnson to whom they refer is the identical George Johnson who received land under the 14th article of the Choctaw treaty is immaterial in the determination of this case since it is shown that the applicants in this case depend for their success on the descent from the sister Malinda. Malinda Johnson was not a beneficiary under the 14th article of the Choctaw treaty of 1830 and therefore her descendants are not entitled to identification as Mississippi Choctaws and I therefore recommend that the decision of the Commission rejecting the applicants be approved.

Malinda Johnson's name does not appear in any of the records of this office which contain the names of Choctaw Indians.

Very respectfully,

A. C. Tonner,

EBH-E.

Commissioner.

M.C.R.4808
M.C.R.4686

Muskogee, Indian Territory, April 28, 1904.

A. J. Oakes,

Yazoo City, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you request that the record in the Mississippi Choctaw applications of Thomas Johnson, Prentiss Johnson and Flora Johnson be forwarded to the Department for consideration in connection with the consolidated Mississippi Choctaw case of George Johnson, et al.

In reply to your letter you are informed that the record in the consolidated Mississippi Choctaw case of George Johnson, et al., was forwarded to the Department September 15, 1903, and the record in the consolidated Mississippi Choctaw case of Thomas Johnson, et al., was also forwarded the Department on April 21, 1904.

On this date the Secretary of the Interior has been advised that the applicants in these two consolidated cases are related in order that the record in one case might be considered in connection with the other.

Respectfully,

Chairman.

DC-15197-1904.
ITD 3508-1904.
LRS.

J.W.H.
DEPARTMENT OF THE INTERIOR,
WASHINGTON, May 7, 1904.

FHE.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
Gentlemen:

On September 15, 1903, you resubmitted the record in the matter of the application of George Johnson (M.G.R. 4686), et al., for identification as Mississippi Choctaws.

The record in this case was remanded to you February 25, 1903, for further investigation, to permit the applicants to show, if possible, their descent from some one of the various members of the Johnson family who were beneficiaries under article 14 of the treaty of September 27, 1830. The record as now presented now contains certain additional testimony, including the deposition of the principal applicant, George Johnson, who was born about 1817.

Reporting in the matter April 23, 1904, the Acting Commissioner of Indian Affairs states that an examination of the record shows that the applicants claim descent from Malinda Johnson, a sister of George Johnson who is claimed to be identical with a person of that name who received a reservation of land under the 14th article of the treaty of 1830. The Acting Commissioner is of the opinion that whether it is true or not that the George Johnson to whom the applicants refer is the identical George Johnson who received land under the 14th article of the Choctaw treaty, is immaterial, inasmuch as said applicants trace their descent from Malinda Johnson, the sister of George Johnson. The Acting Commissioner's conclusion is based upon the fact that the records

of the Indian Office do not show that the said Malinda Johnson was a beneficiary under the 14th article of the treaty of 1830. He further concludes that her descendants are not entitled to identification as Mississippi Choctaws, and recommends that your decision of August 7, 1902, adverse to the applicants, be approved.

It is true that the evidence fails to show that the said Malinda Johnson, who is the mother of the principal applicant, was a beneficiary under article 14 of the treaty of 1830. It appears, however, that she was born about the year 1802, and that her mother's name was Mary (or Malinda) Johnson. It is not impossible that the latter was identical in person with the Mary Johnson who was a beneficiary under article 14 of said treaty. The testimony is not sufficient, however, to warrant this conclusion. It indicates, in fact, that the Mary Johnson who did receive the benefits of the treaty, was the granddaughter of the said Mary (or Malinda) Johnson. In view of the insufficiency of the showing made, the Department concurs in the Acting Commissioner's recommendation. Your decision is accordingly affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

COPY.

M.C.R. 4886

Muskogee, Indian Territory, May 31, 1904.

George Johnson,
Yazoo City, Mississippi.

Dear Sir:

You are hereby notified that on the 7th day of May, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Johnson et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

(SIGNED)

W. H. H. H.
Chairman.

COPY.

M.C.R. 4686

Waskagee, Indian Territory, May 31, 1904.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi,

Dear Sir:

You are hereby notified that on the 7th day of May, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Johnson et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

(SIGNED)

James E. Finley
Chairman.

COPY.

Muskogee, Indian Territory, May 31, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 7th day of May, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Johnson et al., of which decision you were advised by mail on the 7th day of August, 1903.

Respectfully,

(SIGNED)

James L. Lacey.

Chairman.

1726

No. 4586

For Identification as a Mississippi Choctaw.

Meridian, Miss

Date FEB 7 1902

Name

George Johnson

represented by his father, Madison Johnson

Age 8 5

Blood 1/2

Post Office,

Yazoo City, Miss.

Father:

don't know

D

Mother:

Mauda Johnson

D

Claims through mother.

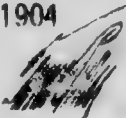
Children:

Stenographer

J. S. Miles

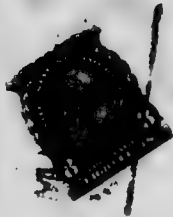
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

APR 26 1904

A handwritten signature, possibly "H. R.", in dark ink, written over the "FILED" stamp.

CHAIRMAN

Dead



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

DECEASED.

U. S. F. O.



Muskege, Indian Territory.

DECEASED.

MUSKOGEE, IND. TER.
APR 5 1894
REGISTERED

Choctaw MCR 4687

Sancho Gordon

MCR 4687

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Sancho Gordon, et al.,
for identification as Mississippi Choctaws, M.C.R. 4687.

List of papers forwarded to the Secretary of the interior comprising
the record in the case of Sancho Gordon, et al.

	(Page)
Original application of Sancho Gordon, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Testimony of Maria Gordon.....	7
Decision of the Commission refusing the application of Sancho Gordon, et al., for identification as Mississippi Choctaws.....	9

-----0-----

4684

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 7th, 1902.

In the matter of the application of Sancho Gordon for the identification of himself and his four minor children, Tony, Robert, Vettis and Fannie Gordon, as Mississippi Choctaws.

APPEARANCES: S. A. Beadle, Attorney for applicants,
A. W. Jones, Agent for applicants.

Said Sancho Gordon, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Sancho Gordon.
Q How old are you? A Sixty-four years old.
Q How much Choctaw blood have you? A I don't know-my mother was half Choctaw.
Q Your father had no Choctaw blood, did he? A I couldn't say about him.
Q Then you are a quarter, are you? A Yes sir.
Q What is your postoffice address? A Winona, Mississippi.
Q What County? A Montgomery.
Q How long have you lived in that County? A I been living there seven years last month.
Q Where did you live before that? A Attala County.
Q How long did you live there? A I lived there in '70.
Q Where did you live before that? A In Choctaw County.
Q This State? A Yes sir.
Q How long did you live there? A I was raised there.
Q Born and raised there? A Yes sir.
Q You have lived in this State, then, all your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A I was named after him, Sancho Gordon. I can't tell much about my father.
Q Was he a slave? A Yes sir.
Q Were you? A Yes sir.
Q Is your mother living? A No sir.
Q She was a slave, was she? A Yes sir.
Q What was her name? A Nancy Gordon.
Q You claim she was one-half Choctaw, do you? A Yes sir.
Q How long has Nancy been dead? A She died in March 1873.
Q About how old was she when she died? A She was sixty-eight years old when she died.
Q Where was she born? A In Mississippi.
Q Where in Mississippi? A In Winston County-it was Winston County then.
Q What is it now? A Choctaw County.
Q Did she live in this State all her life? A Yes sir, so far as I know. She told me she was a Choctaw Indian.
Q You think she must have lived here all her life, then, on that account? A Yes sir, she was a Mississippi Choctaw.
Q Through which one of her parents did she get her Choctaw blood? A Her mother.
Q What was her mother's name? A I don't know, sir.
Q What was your mother's father's name? A I don't know.

- Q According to your statement your mother's mother was a full blood Choctaw Indian woman? A yes sir.
- Q How do you know that? A Just from what my mother said.
- Q She told you she was a full blood Choctaw and yet never told you her mother's name? A No sir, she never told me.
- Q Where did your mother's mother live? A In this country-she was a Mississippi Choctaw Indian.
- Q Where did she die? A I don't know, sir. I just go by what my mother said.
- Q Are you married? A yes sir.
- Q How many times have you been married? A Once.
- Q Is your wife living? A yes sir.
- Q Is she a Choctaw? A If she is, she don't know it.
- Q You make no claim for her, then? A No sir.
- Q What is her name? A Maria Gordon.
- Q How many children have you living who are under twenty-one years years of age and unmarried? A Four.
- Q Give us the names of those children and their ages-the oldest first? A Tony.
- Q How old is Tony? A Nineteen.
- Q That is a boy, is it? A Yes sir.
- Q Next one? A Robert.
- Q How old is he? A Eighteen.
- Q Next one? A Yattis Vertis.
- Q How old is he? A Sixteen years old.
- Q Next one? A Fannie.
- Q How old is she? A Fourteen.
- Q Are these four children living with you at this time? A Yes sir.
- Q Are they all the children of yourself and Maria Gordon? A Yes sir.
- Q This application, then, is for yourself and four minor children? A yes sir.
- Q Were you married to Maria under a license? A yes sir.
- Q When? A The Fall of '69.
- Q Where? A Winston County, Mississippi.
- Q Who married you? A Methodist preacher by the name of Mr. Woodard.
- Q Have you your marriage license and certificate with you at this time? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Maria. This should be furnished within a period of thirty days from this date.

- Q Have you ever made any effort before this time to establish your rights or the rights of anyone of these four children as Mississippi Choctaws? A No sir.
- Q Has anyone else ever made such an effort in your behalf? A Not as I ever knowed of.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under article 14 of the treaty of Dancing Rabbit Creek? A yes sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir, I don't understand it.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A No sir.

This treaty was made to get these Indians out of this country and within a few years after the treaty was made the greater portion of the Choctaw Tribe was moved from this country, that is within a few years after 1830. The 14th article provided that if a Choctaw wanted to stay here in Mississippi and take land from the Government, he must let the Agent know that he wanted to stay here and he must do that within six months from the time the treaty was ratified-the treaty was ratified on the 24th day of February, 1831; after he had let the Agent of the Government here in Mississippi, for the Choctaws, know that he wanted to stay here and become a citizen of the States, he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; and if he had a child in his family over ten years of age, on the day the treaty was made, he was

entitled to one half that quantity or 320 acres of land, for each child under ten years of age he was entitled to a quarter section of land or 160 acres and the reservations for the children must adjoin the parents' reservation and these reservations were required by the 14th article to include the improvement of the parent as it existed on the 27th day of September, 1830, the day the treaty was made. Now, if this Indian lived on that land, intending to become a citizen of the States, for five years after the treaty was ratified, in that case he was entitled to a grant in fee simple - that is the Government would give a title to the land and it could become his. That 14th article provided, further, that persons who claimed under that article should not lose the privilege of a Choctaw citizen but if they ever removed were not to be entitled to any portion of the Choctaw annuity. That is, that persons who took land under that 14th article did not, by reason of their having done so, lose the right of Choctaw citizenship but if they ever removed out to the new Nation, they should not be entitled to any of this money which is paid each year to the Choctaws by the Government of the United States and is known as the Choctaw annuity.

- Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A If they did, I don't know anything about it.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know, sir.
- Q Did any of them live here at that time? A My mother was here.
- Q Where did she live at that time? A In this State.
- Q What part of this State? A In Winston County.
- Q You are sure she was here 71 years ago, are you? A Yes sir.
- Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A None of my present people - only the old generation. I don't know anything about way back yonder.
- Q Did any of your people move out there? A None that I know anything about. My mother never went out there.
- Q Did her parents go out there? A Not as I know of.
- Q Did her grandparents go out there? A I don't know anything about that.
- Q Did any of your ancestors within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know anything about.
- Q Never got any land here that you know of? A No sir.
- Q Or any money? A None that I ever knowed about.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissions were appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not to my knowing.

In act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A I don't know, sir.

Q Do you speak the Choctaw language? A No sir.

Q Did your mother speak the Choctaw language? A I don't know-I couldn't understand what my mother said. She said a heap of things I couldn't understand.

Q Would you know the Choctaw language when you heard it? A I don't know whether I would, or not.

Q You don't know whether your mother spoke the Choctaw language or not, do you? A No sir, I don't know anything about that.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek

or ever received any benefits under that article? A No sir, I know of noone.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence to offer at this time -any papers of any kind that you want to offer. A No sir, I haven't got any.
Q Have you any witnesses here today? A My wife's here.
Q What does your wife want to testify about? A She just come as a witness that she knew my mother.
Q Is that all you can prove by her? A Yes sir, that's all I got here to prove.
Q Does she know whether any of your ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.

If you should find any witnesses whose testimony you desire to have taken in support of your application they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time
A No sir.
Q Have you any children living who are over age or married? A Yes sir, some married.
Q How many? A I've got four married.
Q What are their names? A George, Alfred, John and a daughter, Gabriella Turner.
Q Where does she live? A She lives in Montgomery County.
Q Has she been before the Commission? A No sir.
Q Where do your boys live? A My three boys live in Arkansas.
Q Have they ever been before the Commission. A No sir, not here I know.
Q They never have been to your knowledge? A No sir, not to my knowledge.
Q Have you any children over age that are not married? A Yes sir.
Q What are their names? A Charlie and Jimmie.
Q Where do they live? A In this country.
Q Montgomery County? A One of them is in Montgomery County and the other is teaching school in Carroll County.
Q Have they been before the Commission, these two boys? A No sir.
Q Have you any brothers or sisters living? A Two brothers living.
Q What are their names? A John and Tony Gordon.
Q Where do they live? A One of them is living in Choctaw County and the other in Texas.
Q Which one lives in Texas? A Tony.
Q Have either of these brothers been before us? A No sir.
Q Have you any brothers or sisters dead? A Yes sir.
Q How many? A I don't know, sir.
Q Did any of them leave children? A No sir.
Q Are any of your mother's brothers or sisters living? A No sir.
Q Are any of the children of any of them living? A I don't know anything about that, sir.

Sancho Gordon et al---7

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates. He does not speak or understand the Choctaw language.

Maria Gordon, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Maria Gordon.
Q How old are you? A I could tell my age just exactly but I am about fifty.
Q Were you a slave? A yes sir.
Q What is your postoffice address? A Winona.
Q Are you the wife of Sancho Gordon who just appeared before the Commission? A Yes sir.
Q You have no Choctaw blood? A If I is I don't know it.
Q Do you appear before the Commission at this time for the purpose of testifying in his behalf? A yes sir.

Commission:

Mr. Beadle, what do you want to prove by this witness?

Mr. Beadle:

I expect to prove by this witness that she was acquainted with the mother of the applicant Sancho Gordon and knew her to be possessed of Choctaw Indian blood. She does not know whether any of the ancestors of her husband ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek.

Examination by the Commission.

- Q How long have you been married to Sancho? A I don't know.
Q About how long? A I been married about seventeen years.
Q He has been married more than once then, has he? A No sir, I was married more than once but he never was married but once. I don't know how long I was married to him.
Q How long after the surrender was it you married? A I married four years after the surrender.
Q How long have you known Sancho? A I been knowing him ever since I married him.
Q How much more than that? A I knowed him about three months before I married him.
Q Were you acquainted with Sancho's mother during her life time?
A Yes sir, I was acquainted with her.
Q You knew her before you met him, did you? A No sir, I wasn't acquainted with her - I didn't know her personally until after we married.
Q When did she die? A I don't know that neither. She died since we married.

Sancho Gordon et al---8

Q Did she have any Choctaw blood? A I don,t know sir-I know what she told me.

Q What did she tell you? A She told me she was Choctaw Indiano that's all I can tell you.

Q She was a slave,wasn't she? A She didn't ever tell me she was a slave.

Q How much Choctaw blood did she say she had? A She didn't tell me how much she had.

Q You know she wasn't a full blood Choctaw,don't you? A She told me she was a Mississippi Choctaw Indian.

Q Don't you know that she wasn't a full blood Choctaw Indian? A well, no sir, I don,t know.

Q Don't you know she had some negro bloodin her? A She didn't look like it.

Q Where was she born? A She didn,t tell me and I don,t know.

Q Did she live in this State all her life? A yes sir,I reckon so. She was here in Mississippi when I knew her. She was very old.

Q Do you know the names of her parents? A No sir,I don't know nothing about her parents. I just acquainted with her and his brothers.

Commission:

Mr. Beadle, is there anything else you want to prove by this witness?

Mr. Beadle:

No sir.

Examination by the Commission:

Q What was her name? A Nancy Gordon.

Q What was the name of the father of this applicant? A I don,t know,sir-I never did know nothing about him and never did see him.

This witness is a negro of average intelligence.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 7th, 1902, and that the above and foregoing is a full, true and co rrect transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 26th day of February, 1902, at Franks, Mississippi.

L. B. Mowley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *W. M. M.*

Deputy.

all
over.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samcho Gordon, et al.,
for identification as Mississippi Choctaws, M.C.R. 4687.

--- DECISION ---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Samcho Gordon for himself and his four minor children, Tony,
Robert, Vertis and Fennis Gordon, under the following provision of
the act of Congress approved June 26, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw lands
under article fourteen of the treaty between the United States
and the Choctaw Nation, concluded September twenty-seventh
eighteen hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts necessary
therein and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of one Nancy Gordon, who is alleged to have been an one-half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nancy Gordon, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 815).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sancho

-3-

Gordon, Tony Gordon, Robert Gordon, Vertis Gordon and Fannie Gordon, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED:

Tams Bixby.

Acting Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 31 1902

COPY

Muskogee, Indian Territory, October 31, 1902.

Sancho Gordon,
Winona, Mississippi.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sancho Gordon, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sancho Gordon, Tony Gordon, Robert Gordon, Vertis Gordon and Fannie Gordon, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, to-

-3-

gether with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Acting Chairman.

Registered.

Muskogee, Indian Territory, October 31, 1902.

A.W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sancho Gordon, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sancho Gordon, Tony Gordon, Robert Gordon, Vertis Gordon and Fannie Gordon, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

-2-

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Registered.

Acting Chairman.

Muskogee, Indian Territory, October 31, 1902.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sancho Gordon, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sancho Gordon, Tony Gordon, Robert Gordon, Vertis Gordon and Fannie Gordon, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

--2--

time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

John D. Dixey

Acting Chairman.

Registered.

Muskogee, Indian Territory, October 31, 1902:

Mansfield, McFurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sancho Gordon, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sancho Gordon, Tony Gordon, Robert Gordon, Vertis Gordon, and Fannie Gordon, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case, have been allowed fifteen days from the date hereof within which to

-2-

file arguments in this office and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman.

COPY

Wichita, Indian Territory, November 17, 1908.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sancho Gordon, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 31, 1908.

The Commission has the honor to report that the principal applicant herein, his agent, and attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 4687

M.C.R. 4687.

Muskogee, Indian Territory, December 22, 1902.

Sancho Gordon,

Winona, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you state that you have received a letter from the Commission which you do not understand.

In reply to your letter you are informed that the last communication addressed to you by the Commission was dated October 31, 1902. You were advised therein that on that date the Commission had rendered its decision refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, and you were granted fifteen days from that date within which to submit argument in support of your case to be forwarded with the record therein to the Secretary of the Interior.

The fifteen days heretofore granted having expired on November 16, 1902, the record in the case together with the decision of the Commission was, on November 17, 1902, forwarded to the Secretary of the Interior.

You will be duly advised of any action taken by him.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 22, 1903.

Sank Gordon,

Winona, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st inst., to the Secretary of the Interior and by him referred to this Commission for consideration and appropriate action. You state that you received your letter from the Commission and that you were advised to write to the Secretary of the Interior for further understanding.

Replying to your communication, you are informed that the fifteen days from October 31, 1902, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on November 16, 1902; on November 17, 1902, the record in the case, together with the decision of the commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Commissioner in Charge.

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(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, Feb. 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Sancho Gordon for the identification of himself and his four minor children, Tony, Robert, Vertis and Fannie Gordon, as Mississippi Choctaws.

On October 31, 1902, the commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the Choctaw treaty of 1830, and that their applications for identification as such should be refused.

An examination of the record evidence shows that they claim their rights by reason of being descendants of one Nancy Gordon, the mother of the principal applicant, but they do not give the name of any other ancestor. Neither the record evidence nor the

-2-

records in this office show that said Nancy Gordon ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or received a patent for land thereunder. The record evidence shows that none of the applicants are of the full blood.

By reason of the premises the office considers that the decision of the commission is correct and recommends that the same be affirmed by the Department.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

(W.C.B.)

P.

D.C.8416-1903.
I.T.D.2050-1903.
LRS.

(Copy)

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DEPARTMENT OF THE INTERIOR.

WASHINGTON, March 21, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 17, 1902, you transmitted the record in the case embracing the application for identification as Mississippi Choctaws of Sancho Gordon (M C R 4687), for himself and his four minor children, Tony, Robert, Vertis, and Fannie Gordon, including your decision of October 31, 1902, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Nancy Gordon, who is alleged to have been an one-half blood Choctaw Indian and to have resided in Mississippi in 1830.

The records fail to show that said applicants have ever been admitted or enrolled as members of the Choctaw Nation, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts relating thereto.

Reporting in the matter February 19, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department finds no reason to disturb your decision,
and it is hereby affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 4687.

Muskogee, Indian Territory, March 31, 1903.

S. A. Beadle,
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sanohe Gordon, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

Tarns Bixby.
Chairman.

M.C.R. 4687.

COPY.

Muskegee, Indian Territory, March 31, 1903.

Sancho Gordon,

Winona, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sancho Gordon, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

James Dixby.
Chairman.

M.C.R. 4687.

COPY.

Muskogee, Indian Territory, March 31, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sancho Gordon, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

(SIGNED)

Iamc Dixby.

Chairman.

M.C.R. 4687.

COPY.

Muskogee, Indian Territory, March 31, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sancho Gordon, et al., of which decision you were advised by mail on the 31st day of October, 1902.

Respectfully,

(SIGNED)

Tamm

Chairman.

#1727

No.

4687

Meridian Mrs.

For Identification as a Mississippi Choctaw.

Date

FEB, 7 1902

Name

Saicho Gordon

Age

64

Blood

1/4

Post Office,

Winona, Miss.

Father:

Saicho Gordon &

Mother:

Nancy Gordon &

Claims through mother

wife

(Maria Gordon)

No claim for wife

(Gordon ... children)

Children:

Toni Gordon (M) 19

Robert " 18

Vertis " (M) 16

Fannie " 14

S. S. Miles

Choctaw MCR 4688

Mary Grissom.

MCR 4688

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----C-----

In the matter of the application of Mary Grissom, et al.,
for identification as Mississippi Choctaws, M.C.R. 4688,
List of papers forwarded to the Secretary of the Interior comprising
the record in the case of Mary Grissom, et al.,

	(Page)
Original application of Mary Grissom, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Decision of the Commission refusing the application of Mary Grissom, et al., for identification as Mississippi Choctaws	7

-----O-----

24688

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 7th, 1902.

In the matter of the application of Mary Grissom for the identification of herself and five minor children, Mary, Minnie, Robert, Arrena and Lillie, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicants,
A.W. Jones, Agent for applicants.

Said Mary Grissom, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Mary Grissom.
Q How old are you? A About fifty-one.
Q How much Choctaw blood have you? A Quarter.
Q What is your postoffice address? A Winona, Mississippi.
Q What County? A Montgomery.
Q How long have you lived in Montgomery County, Mississippi? A Been here all my life.
Q Is your father living? A No sir.
Q What was his name? A His name was Fields Simmons.
Q Is your mother living? A No sir.
Q What was her name? A Eliza.
Q Through which one of your parents did you get your Choctaw blood?
A From my mammy.
Q She was a half blood Choctaw, was she? A Yes sir.
Q How long has she been dead? A Seventeen years.
Q How old was she when she died? A I don't know, sir-never did hear her tell her age in my life.
Q About how old was she do you think? A She's been dead seventeen years and her mammy died--I don't know.
Q Were you her oldest child? A No sir.
Q How much older than you was your mother's oldest child? A I don't know, sir.
Q How many children did she have older than you? A She had two.
Q Your mother was a slave, was she? A No sir.
Q Were you? A No sir.
Q Was your father? A I don't know sir what he was.
Q Did your mother live here in this State all her life? A Yes sir.
Q Where was she born? A Choctaw County, Mississippi.
Q You are sure she never lived out of this State? A Yes sir.
Q Through which one of her parents did she get her Choctaw blood?
A From her mammy.
Q What was her name? A Susan Goe.
Q Did you ever see her? A Yes sir.
Q When did Susan die? A She died 75 years ago.
Q And yet you have seen her? A Yes sir, I have seen her.
Q You only claim to be fifty-one years old-how could you have seen your grandmother if she died 75 years ago-that was about 24 years before you were born? A I must have made a mistake, because I seen her.
Q When did you see her last? A I saw her twenty years ago-she died twenty years ago.

Mary Grissom et al--2

Q Was Susan a full blood Choctaw Indian? A Yes sir, that's what my mother said she was.

Q You saw Susan? A And she said so herself.

Q Did she look to you as if she was a full blood Choctaw Indian? A Yes sir.

Q Was she a slave? A No sir.

Q Didn't she have some negro blood? A If she had I don't know it.

Q Didn't she look like she had? A No sir, she didn't-she certainly didn't.

Q What was the name of your mother's father? A I think she said her father's name was Robert Gee.

Q Was he a slave? A I don't know, sir, what he was.

Q Did you ever see him? A Don't remember him-I have seen him but I don't remember enough to tell anything about him.

Q Where was Susan born? A In Choctaw County, Mississippi.

Q Did she live here all her life too? A Yes sir.

Q Did she speak the Choctaw language? A I don't know, sir.

Q Do you? A No sir.

Q Did your mother? A No sir.

Q Do you know the name of Susan's father? A No sir.

Q Or of her mother? A No sir.

Q Are you married? A Yes sir, you might know I'm married, I got all them children.

Q What is the name of your husband? A Tom Grissom.

Q He has no Choctaw blood? A No sir.

Q You make no claim for him? A No sir.

Q How many children have you living who are 21 years of age and unmarried? A Five.

Q Give us their names and ages, the oldest first? A Mary, seventeen; Minnie, sixteen; Robert, fourteen; Arrena, eleven; Lillie, nine.

Q Are these children all living with you now? A Yes sir, all them under age are with me.

Q Are these five children all the children of yourself and Tom Grissom? A Yes sir.

Q This application is for yourself and five minor children, is that right? A Yes sir.

Q Has any application of any description ever been made for you or anyone of these children before today, looking to the establishment of your rights as Choctaw Indians? A No sir.

Q This is the first application of any kind that has ever been made for you, you are sure, are you? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under article 14 of the treaty of Dancing Rabbit Creek? A I don't know anything about that.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from this country out to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian

Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out to the new country west of the Mississippi River might receive land here in Mississippi from the Government of the United States. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek now? A No sir.

Q Don't you understand what I have said to you? A I heard what you said but I don't know nothing about it.

If a Choctaw who lived here 71 years ago, when this treaty was made, wanted to stay here in Mississippi and take land, he was required by that 14th article to let the Agent of the Government here in Mississippi, for the Choctaws, know that -within six months from February 24th, 1831, the day the treaty was ratified, that he wanted to stay here and he was thereupon entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey. In like manner he was entitled to one half that quantity for each unmarried child which was living with him on that date that the treaty was made, who was over ten years of age; a quarter section for such child as was at that time under ten years of age. The reservations of these children must adjoin the location of the parent. If they resided upon said land-lived on that land-for five years from February 24, 1831, the day the treaty was ratified, in that case the Indian was entitled to a grant in fee simple or a deed covering the land. That 14th article provided further that persons who claimed under that article should not lose the privilege of a Choctaw citizen but if they ever removed out to the new nation west of the Mississippi River, they should not be entitled to any portion of the Choctaw

annuity. The Choctaw annuity is money paid each year to the Choctaws by the Government of the United States under treaty provisions.

- Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits under that article? A No sir, not as I ever knew of. I never heard of it.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir.
- Q Did any of them live here at that time? A Yes sir.
- Q Who? A My mammy and grandmammy.
- Q Where did they live at that time--71 years ago? A They lived in Choctaw, Mississippi.
- Q Choctaw County, Mississippi? A Yes sir.
- Q Near what town? A Winona.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know--I don't know nothing about that.
- Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did any of them ever claim or receive any land from the Government of the United States under any other article of that treaty or under the supplement to the treaty? A No sir, not as ever I knew of.
- Q Did any of them ever get any money from the Government? A No sir.
- Q So far as you know, then, none of your people ever received any benefits whatever as Choctaw Indians? A No sir, they never got nothing.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land and become citizens. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they were entitled to rights under article 14 of the treaty of Dancing Rabbit Creek.

Mary Grissom et al---5

These Commissions were appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir, I don't know anything about that rabbit.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of this land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir, they never got any.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir, I don't know nary one.

Q Have you any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence to offer at this time? A No sir.

Q Have you any witnesses? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory and their testimony will be taken.

Q Are there any further statements you would like to make at this time in support of your application? A No sir.

Q How many children have you who are over 21 years of age or married? A Six.

Q Give us the names of those children? A Octavia Ward, Angie Dansby, John Grissom, Harrison Grissom, Green Grissom and Tommie Grissom.

Q Have any of these children been before the Commission? A No sir.

Q Where do they live? A The two boys that are unmarried live here and the others live in Arkansas.

Mary Grissom et al---6

Q What are the names of the two boys that live here? A Green and Tommie.

Q Are any of your mother's brothers or sisters living? A No sir.

Q Did she ever have any that you know of? A Yes, I heard her say that she had some brothers.

Q Did they leave children? A Not as I know of.

This applicant has the appearance of being possessed of a mixture of ~~xxxxxxxxxxxx~~ negro and either white or Indian blood in which the negro blood largely predominates. Her hair is black and rather inclined to be straight. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 7th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 27th day of February, 1902, at Franks, Mississippi.

L. B. Moody
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *J. M. W.*

Deputy.

254
C. 111.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Grissom, et al.,
for identification as Mississippi Choctaws, M.C.R. 4622,

--: D E C I S I O N :--

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Mary Grissom for herself and her five minor children, Mary, Minnie,
Robert, Arrena, and Lillie Grissom, under the following provision of
the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw lands
under article fourteen of the treaty between the United States
and the Choctaw Nation, concluded September twenty-seventh
eighteen hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts necessary
therein and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of one Susan Gee, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Susan Gee, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary

- 3 -

Grissom, Mary Grissom (2), Minnie Grissom, Robert Grissom, Arrena Grissom and Lillie Grissom, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tamo Bixby.

Acting Chairman.

(SIGNED)

I. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 31 1907

Muskogee, Indian Territory, October 31, 1902.

Mary Grissom,

Winona, Mississippi.

Dear Madam:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Grissom, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Grissom, Mary Grissom (2), Winnie Grissom, Robert Grissom, Arrona Grissom and Lillie Grissom as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

Mary Grissom - 2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior.

Respectfully,

Tamie Dixie.

Acting Chairman.

Registered.

Yuskogee, Indian Territory, October 31, 1902.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Grissom, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Grissom, Mary Grissom (2), Minnie Grissom, Robert Grissom, Arrena Grissom and Lillie Grissom as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

S. A. Beadle - 2

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James D. Dwyer
Acting Chairman.

Registered.

Muskogee, Indian Territory, October 31, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Grissom, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Grissom, Mary Grissom (2), Minnie Grissom, Robert Grissom, Arrena Grissom and Lillie Grissom as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

A. W. Jones 2

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James D. ...
Acting Chairman.

Registered.

CO.

Muskogee, Indian Territory, October 31, 1902.

Vansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Grisson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Grisson, Mary Grisson (2), Minnie Grisson, Robert Grisson, Arrena Grisson and Lillie Grisson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

M.M.M. & C. - 2

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mary Grissom, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 31, 1902.

The Commission has the honor to report that the principal applicant herein, her agent, her attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

RECEIVED

James H. Smith
Acting Chairman.

Through the Commissioner
Of Indian Affairs.

Inc. M.C.R. 4688.

(COPY)

Land.
69,849-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 10, 1903.

The Honorable

The Secretary of the Interior..

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of Mary Grissom for the identification of herself and her five minor children, Mary, Minnie, Robert, Arrena and Lillie Grissom, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the commission on October 31, 1902.

The testimony in this case shows that the parties base their claim to identification as Mississippi Choctaws under this application because of their descent from Susan Gee, who, they allege, was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected these parties because the names of their ancestor, through whom they claim, did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves

had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Susan Gee, and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. "

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

(W.C.B.)

P.

(COPY)

D.C.No.5925-1903.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

RAF.

ITD.1508-1903.

February 27, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Mary Grissom and her minor children, Mary, Minnie, Robert, Arrena and Lillie Grissom, including your decision of October 31, 1902, denying the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Susan Gee who is alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Susan Gee, or an ancestor less remote, complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 10, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department finds no reason to modify your decision and is accordingly affirmed.

Respectfully,
(Signed)

Thos Ryan,
Acting Secretary.

1 inclosure.

M.C.R. 4688

COPY.

Maskogee, Indian Territory, March 12, 1903.

Mary Grissom,

Winona, Mississippi.

Dear Madam:

You are hereby notified that on the 27th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Grissom, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

James Bixby.
Chairman.

M.C.R. 4486

copy.

Washoe, Indian Territory, March 12, 1903.

B. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 27th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Grissom, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

(SIGNED)

Tams Dixby.
Chairman.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 27th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Grisson, et al., of which decision you were advised by mail on the 31st day of October, 1902.

Respectfully,

(SIGNED)

Tams Birby
Chairman.

COPY

Muskogee, Indian Territory, March 12, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 27th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Grison, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

(SIGNED)

Tama Birba

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1117B.
REFER IN REPLY TO THE FOLLOWING

M C R 4868

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 16, 1904.

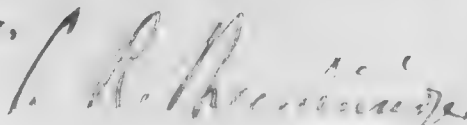
Sim Tubbee,

Center, Mississippi.

Dear Sir:

It appears from the records of the Commission that on February 26, 1902, Sampson Tubbee appeared before this Commission at Franks, Mississippi, and made application for you, your wife and two minor children as Mississippi Choctaws. He was, however, unable to give the names of your minor children, and in order to supply this information there is enclosed you herewith an affidavit in interrogatory form, which you are directed to take before some Notary Public and answer under oath the questions therein propounded, returning the same in the enclosed envelope, which requires no postage. This matter should receive your prompt attention for until such information is received no further action can be taken in your case.

Respectfully,



Commissioner in Charge.

Enc. JD 1-16
& Env.

#1728

No. 4538

For Identification as a Mississippi Choctaw.

Meridian, Miss.

Date

FEB 7 1902

Name Mary Grissom

Age 51 Blood 1/4

Post Office, Winona, Miss.

Father: Fields Simmons

Mother: Eliza "

Claims through Mother

Husband of Tom Grissom

(No claim for husband.)

Claims for self and 5 children

Children:

Mary	Grissom	17
Minnie	"	16
Robert	"	14
Arrena	"	11
Lillie	"	9

For Charles G. G.



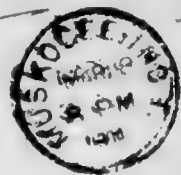
4688

Division of Indian Affairs

Respects name of Indian child -
R.R.
Link affidavit.
Encllope.

Returned to
the writer

23



in Success,

~~Center,~~ Mississippi.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Unclaimed

This envelope can only be used for reply to official communications. The address MUST NOT be changed.

RETURN PENALTY ENVELOPE.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

IND. TER.

Choctaw MCR 4689

Robert H. Davis

See MCR 1

MCR 4689

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 11, 1902.

4689

In the matter of the application for identification as Mississippi Choctaws of Robert H. Davis for himself and his minor child, Urna Fay Davis.

Applicants represented by attorney W. N. Redwine.

Robert H. Davis being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Robert H. Davis.
Q What is your age? A I am twenty-four.
Q What is your post office address? A It is Guertie, Indian Territory.
Q How long have you lived at Guertie? A I have been there nearly three months now. I came there in December.
Q Where did you live before that? A In Mississippi.
Q Where in Mississippi? A In Calhoun County.
Q In Pittsboro? A No, sir; near Pittsboro.
Q Were you born in Mississippi? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Your mother is living? A Yes, sir.
Q What is your father's name? A Virgil L. Davis.
Q Your mother's name is what? A Hattie A. Davis.
Q She made application just a few moments ago, February 11th, to be identified as a Mississippi Choctaw did she? A Yes, sir.
Q You claim through your mother? A Yes, sir.
Q How much Choctaw blood do you claim? A Well it would be about one-sixteenth I reckon.
Q Has your mother ever been recognized as a member of the Choctaw tribe of Indians or enrolled as such by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir, not that I know of.
Q Have you a wife living? A Yes, sir.
Q What is her name? A Ellie, M.
Q How do you spell that? A E-l-l-i-e; it ought to be Nancy Ellie I believe.
Q Now just give me the name as you want it? A I always call her Ellie.
Q She is a white woman? A Yes, sir.
Q You don't make any claim as a Choctaw Indian for her? A No, sir.
Q Have you any children that you want to make application for? A Yes, sir; one.
Q What is the name of that child? A Urna Fay.
Q How do you spell that name? A U-r-m-a.
Q How old is she? A One year old.
Q Any other children? A No, sir.
Q Claim for yourself and this child do you? A Yes, sir.
Q Was your wife ever married before you married her? A No, sir.
Q Were you ever married before you married her? A No, sir.
Q Have you proof of your marriage to your wife? A Not with me.
Q Can you tell the date? A Yes; it was the 6th of January 1900.
Q Where were you married? A Mississippi.

#2

- Q What place in Mississippi? A I was married at a preachers house.
- Q I mean what town? A Pittsboro.
- Q You think you could introduce evidence of that marriage later if given time? A Yes, sir.

A reasonable time will be allowed for that purpose.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Have you ever made application for enrollment or citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for enrollment as a Choctaw Indian to the Dawes Commission under the act of Congress of June 10, 1896a? A No, sir.
- Q Do you now come before the Commission to be identified, yourself and this child claiming under article fourteen of the treaty of eighteen hundred and thirty? A Yes, sir.
- Q You understand that article? A Yes, sir.
- Q You understand it well enough so that you can make your claim under it? A Yes, sir.
- Q You care to have it explained any further? A No, sir; U think I understand it.
- Q Without the explanation it reads as follows:
"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."
- Q Do you know whether any of your ancestors complied with that article? A I don't know.
- Q Or attempted to? A I don't know.
- Q What is the name or what are the names of your ancestors through whom you claim the right to be identified as a Mississippi Choctaw? A Well it is Dick Smith.
- Q What relation was he to you? A He was my great grandfather.
- Q On your mother's side? A Yes, sir.
- Q On which side is Dick Smith? A My mother's side.
- Q No do you claim on the other side, on your mother's father's side? A Yes, sir.
- Q Through whom do you claim on that side? A Tobitha Watson.
- Q What relation was she to you? A My great-great grandmother.
- Q How much Choctaw blood did Dick Smith have? A He was claimed to be a full blood.

- Q How much Choctaw blood did Tobitha Watson have? A She was a full blood.
- Q Was that her maiden name or married name? A Her maiden name.
- Q Whom did she marry? A She married a Langston.
- Q Asa Langston? A Yes, Asa Langston.
- Q Did Dick Smith live in Mississippi, in 1830? A Yes, sir; I think so.
- Q Did Tobitha Watson live there at that time? A Yes, sir.
- Q Did Dick Smith have a family there in 1830? A Yes, sir.
- Q Did Tobitha Watson have a family there at that time? A Yes, sir.
- Q Do you know when Dick Smith died? A No, sir.
- Q Or Tobitha Watson? A No, sir.
- Q Do you know how old either of them would be if living now? A No, sir.
- Q Did either Dick Smith or Tobitha Watson own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Qc Did either of them speak the Choctaw language or have Indian names? A I don't know.
- Q Did either of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward who had an office in Mississippi and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States? A I don't know.
- Q Did any of them go from the old Choctaw Nation in Mississippi or Alabama to the New Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors to your knowledge own any land or claim any in Mississippi under article fourteen of the treaty of 1830? A I don't know.
- Q Did they claim any land or any benefits in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors, on either your mother's or father's side claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A I don't know sir.

In 1837, by act of Congress approved March 3rd of that year, a Commission was appointed, which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose, by act approved August 23rd of that year. Both these Commissions made lists of all Choctaw Indians who came before them, each one, respectively, claiming under article fourteen of the treaty of Dancing Rabbit Creek. The reason why these two Commissions were appointed was that that Colonel Ward, the United States Indian Agent, failed to put upon his list, known as Ward's register, the names of all Choctaw Indian claimants who elected to remain in the state of Mississippi and who, as required by the provisions of article fourteen of that treaty, went before him within six months from its ratification and told him that they wanted to stay there, take land and become citizens of the United States. Colonel Ward's neglect and failure to make a complete list of all those claimants caused a good many Indians who had land in Mississippi to lose it, for it was taken from by the government and sold together with the improvements upon it and as a result these Commissions were appointed to right the wrongs which they claimed had been done them by Colonel Ward's neglect.

#4

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of the treaty of eighteen hundred and thirty? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip or certificates from the United States government as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land that they had had in Mississippi which the government had taken from them? A I don't know.
- Q This scrip was issued under the provisions of an act of Congress approved August 23, 1842. You never heard that any of your ancestors received any? A No, sir.
- Q Your mother's name is Hattie A. Davis? A Yes, sir.
- Q You want to record in her case considered with yours? A Yes, sir.
- Q Any other relatives who have appeared here? A Sophie Powell, and Julia Stephens.
- Q You want their cases considered with yours also? A Yes, sir.
- Q They are relatives of yours? A Yes, sir.
- Q And claim through the same common ancestor? A Yes, sir.
- Q Have you any evidence that you want to present further at this time? A Well, no, sir; not here.
- Q Would you like a little time for that purpose? A Yes, sir.

By attorney: Yes, sir.

By the Commission:

Upon the suggestion of attorney Redwine a reasonable time will be allowed for the presentation of proper evidence in support of this claim.

- Q Do you speak the Choctaw language? A No, sir.
- Q Is there anything more you want to say? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; medium dark complexion; dark brown hair; has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 11, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 25 day of February 1902.

W. A. Mitchell
Notary Public

Muskogee, Indian Territory, October 25, 1902.

Robert H. Davis,

Geartle, Indian Territory.

Dear Sir:

You are hereby advised that on the 23rd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Julia Stephens, et al., embracing the following applications for identification as Mississippi Choctaw:

Julia Stephens, et al.,	M.C.R. 1
Hattie A. Davis, et al.,	M.C.R. 4678
Robert H. Davis, et al.,	M.C.R. 4689
Henry W. McGuire,	M.C.R. 5421
John W. Davis, et al.,	M.C.R. 5422

These applications were made under the provision of the act of Congress of June 23, 1893 (30 Stats., 491) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Julia Stephens, Bert Stephens, Hattie Stephens, Sophia Powell, Viola K. Warden, Tura Powell, Pearl L. Powell, Vivian I. Powell, Alvin P. Powell, Forrest Powell, Prentiss P. Warden, Hattie A. Davis, Dannie Alice Davis, Bertha May Davis, Henry Alvin Davis, Robert H. Davis, Urra Fay Davis, Henry W. McGuire, John W. Davis and John W. Davis as Choctaw Indians entitled to rights in

Robert H. Davis-----2

the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Wm. H. Murray.
Acting Chairman.

Registered.

Miss. Choctaw R4689

Muskogee, Indian Territory, November 4, 1902.

R. H. Davis,

Guertie, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 1, stating that the Commission has denied the rights of the applicants in the consolidated Mississippi Choctaw case of Julia Stephens et al. to be identified as Mississippi Choctaws, and has allowed fifteen days from October 23, 1902, in which to file arguments for forwarding to the Secretary of the Interior. You further state that you have just received information that your ancestors got lands in the state of Mississippi under the provisions of article fourteen of the treaty of 1830, but that you have not time to procure certified copies within the fifteen days and ask for an extension of time for thirty days longer within which to file with the Commission certified copies of the patent any such additional proof as may be necessary to identify you as descendants of the patentees.

In reply to your letter you are advised that the fifteen days granted within which to file argument in your case was granted under special instructions from the Secretary of the Interior, and cannot be extended, but at the expiration of the fifteen days the

R.H.D. 2

original record, together with such papers as may be filed by you will be forwarded to the Secretary of the Interior for review, through the Commissioner of Indian Affairs.

You are further advised that examination has been made of the records of the government in the possession of the Commission, and the names of the ancestors through whom you claim your Choctaw descent are not found among the names of those persons who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, or who were subsequently adjudicated beneficiaries thereunder by the Commissions authorized thereto by acts of Congress of March 3, 1837 and August 23, 1842.

Respectfully,

Acting Chairman.

M. C. R. 4689

COPY.

Muskogee, Indian Territory, August 27, 1904.

Robert H. Davis,

Guertie, Indian Territory.

Dear Sir:

You are hereby notified that on the 3d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Julia Stephens et al., of which decision you were advised by registered mail on the 23d day of October, 1902, and July 10, 1903.

Respectfully,

(SIGNED)

James D. Davis
Chairman.

FOR IDENTIFICATION AS A MISSISSIPPI ORIGINATOR.

Date FEB 11

Name Robert H. Davis,

Age 24 — Blood 1/16

Post Office, Guertie, I. T.

Father: Virgil L. Davis, l.

Mother: Hattie A. Davis, l.

Claims through mother

wife.

Ellie ~~H.~~ Davis, l. w.

Claims nothing for
wife -

Children:

Umma Fay Davis, 1

Claims for self &
child,

Stenographer G. R. [signature]

Choctaw MCR 4690

William F. Bennett

MCR 4690

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Franklin
Bennett, et al., for identification as Mississippi Choctaws.

M. C. R. 4890.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above entitled case.

Original application of William Franklin Bennett,
et al., to the Dawes Commission for identifi-
cation as Mississippi Choctaws.....1
Written statement of W. F. Bennett.....7
Decision of the Commission refusing the appli-
cation of William Franklin Bennett, et al.,
for identification as Mississippi Choctaws.....8.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, February 12, 1902.

#4690.

In the matter of the application of William F. Bennett for the identification of himself and his two minor children, Noble and Delton Bennett, as Mississippi Choctaws.

B. S. Johnson, Attorney for applicant. (No appearance).

William F. Bennett, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Bennett-----W. F. Bennett.
Q How do you spell it? A B-e-n-n-e-tt.
Q What is the first name? A William.
Q William? A William. My full name is William Franklin Bennett.
Q What does the "W" stand for? A "W"?
Q Yes? A William.
Q What is your age, Mr. Bennett? A Thirty-three.
Q What is your post office address? A Durant, I. T.
Q How long have you lived there? A I have been there about a year now.
Q Where did you live before you lived there? A I lived in-----I come from Arkansas there.
Q Were you born in Arkansas? A No sir, born in Tennessee.
Q At what place in Tennessee? A Haywood County.
Q And from there you went where? A Why, my father moved from there to Texas.
Q Did you go? A Yes sir, I was only ten years old then.
Q At the age of ten you went from Tennessee to Texas. How long did you remain in Texas? A Only one year. About one year.
Q Then you went where? A Went back to Arkansas.
Q And lived there how long? A I stayed there about twenty-three year.
Q And from Arkansas you went where the second time? A Come to the Territory.
Q And you have been living in the Territory one year? A Yes sir.
Q Is your mother living? A No sir.
Q Is your father living? A Yes sir.
Q What is your father's name? A William Bennett.
Q What is your mother's name? A Her name was Sarah.

(2).

- Q Through which parent do you claim Choctaw blood? A My father.
- Q How much do you claim? A Why, I suppose it would be about one-sixteenth to my best knowledge.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw tribal authorities or by the United States in the Indian Territory? A No sir, not that I know of.
- Q When and where were your father and mother married? A Married? Yes. A They were married in Tennessee.
- Q What place? A Haywood County.
- Q Do you remember the date of their marriage? A No sir, I don't.
- Q Have you the proof of their marriage with you? A No, I haven't it with me.
- Q Do you think you could introduce that later? A Yes sir.
- Q Reasonable time will be allowed for that purpose. A Yes sir.
- Q Have you a wife living? A Yes sir.
- Q What is her name? A Rozella.
- Q R-o-s-e-l-l-a ? A R-o-z-e-l-l-a .
- Q R-o-z-----do you claim any Choctaw blood in her? A No sir.
- Q White man? A Yes sir.
- Q You make no claim for your wife then? A No sir.
- Q Give me the name of your oldest child under age and unmarried? A Noble Bennett.
- Q What? A Noble Bennett.
- Q N-o-b-l-e ? A Yes sir.
- Q How old is he? A He's six years old.
- Q The next? A Delton.
- Q D-e-? A D-e-l-t-o-n .
- Q How old is Delton? A He's about two.
- Q That's all is it? A Yes sir.
- Q You claim for yourself and children? A Yes sir.
- Q Is Rozella Bennett the mother of these two children? A Yes sir.
- Q When and where were you married to her? A We were married in Arkansas, Loneoak County-----Prairie County.
- Q Do you remember the date of your marriage? A I think so. It was about December 1, 1893, I believe it was.
- Q Have you the proof of your marriage with your wife with you? A No sir, not with me.
- Q You think you could introduce that later? A Yes sir.
- Q Is your name or the name of your oldest child on any of the tribal rolls of the Choctaw Nation in the Indian territory? A How's that?
- Q Is your name or the name of your oldest child on any of the tribal rolls of the Choctaw Nation, in the Indian Territory? A No sir, not that I know of. I don't know.
- Q Have you ever made application for enrollment in the Choctaw Nation for yourself and your oldest child, to the Choctaw tribal authorities in the Indian territory? A No.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q This is the first application you have ever made, is it, for yourself and your children for citizenship in the Choctaw Nation? A Yes sir.

- Q Do you now come before the Commission for the purpose of being identified as a Hantzschel person, and for the identification of these conditions as Hantzschel conditions, including under article XIV of the Treaty of 1891? A Article XIV—I don't really know whether I understand that XIV article or not. I have heard it once or twice, what it refers to. Will you explain it?
- Q Yes sir. The Treaty of 1891 was made between the United States Government and the Cherokee Tribe of Indians at a place called Standing Rock in the State of North Dakota, on the 25th day of September, 1891. The object of that treaty was the removal of all of the Cherokee Indians who lived in the old Cherokee Nation west of the Mississippi River, to the Cherokee Nation in the Indian Territory, that before the treaty was signed in 1891, on the 25th day of September, the Indians knew that a good many Cherokee Indians would not go to the Cherokee Nation, Indian Territory, and to make no provision for the removal of these Cherokee Indians was placed in every book in the old Cherokee Nation, an article was drafted, which was part of the Treaty of 1891, and was numbered Article XIV in that Treaty; then the treaty was signed, and after that it became null and void. That XIV article was put into the Treaty for the especial benefit of the Indians who remained here in that old Cherokee Nation, and reads as follows:

"That whoever had of a family before the removal to remove and become a citizen of the United States shall be permitted to do so, by accepting this permission in the Agent within six months from the ratification of this Treaty, and he or she shall thereafter be entitled to a reservation of one section of six hundred and forty acres of land to be located by sectional lines of survey, the title to which shall be entitled to one half the quantity for each married child which is living with him over ten years of age, and a quarter section to each child as may be under ten years of age; the subject of the location of the parent. If they reside upon said lands intending to make citizens of the United States five years after the ratification of this Treaty in that case grant in the sample shall have, and reservation shall include the present improvement of the land of the family or a portion of it. Persons who shall under this article shall not have the privilege of a future citizen, but if they ever remove are not to be considered in any portion of the Cherokee Nation."

- Do you know if any of your ancestors complied with any of the provisions of that article of that Treaty? A Yes, I couldn't say in regard to that.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Hantzschel person? A William Hantzschel.
- Q What recollection was he to you? A Yes, he was a grandfather, I remember—yes, grandfather. I was told that my grandfather had some Hantzschel in him.
- Q Did the Hantzschel Hantzschel in 1891, or in 1892? A As to that I couldn't say.

1. Did you think that the best time to have? A. Yes, around
2. 1840.
3. Was your father ever in the West? A. Yes.
4. Did you think he ever lived there? I think
5. he was there, or did you ever hear whether any of his
6. lived in the state of Mississippi or the state of Ohio?
7. He lived there? A. I suppose my grandfather lived in
8. the state of Ohio. A. Yes.
9. Was he ever there in Mississippi? A. My grandfather
10. was. I don't know.
11. Do you know what part of his life he lived in Ohio?
12. A. Yes, it was the first of his life, I know. But he
13. was younger here. He lived there for a long time. I think
14. when did he die? A. I don't know. I don't know.
15. How old would he be if living now, about? A. If living
16. would be about 80. I don't know.
17. What I want to find out, if possible, is whether he
18. died in Ohio, or whether he would be buried
19. in Ohio? A. Yes, he'd be
20. in Ohio.
21. He'd be very old? A. Yes.
22. He'd be in a hundred years old, or would he be dying?
23. He'd be dead in a dying. I don't know, even then.
24. He was dead in Ohio? A. I don't know.
25. Do you know whether he died through the father's
26. or through the mother's? A. I don't know.
27. Was he the father's son? A. I don't know.
28. How far was he from the father's son, or was he from the
29. mother's son? A. I don't know.
30. How far was he from the father's son, or was he from the
31. mother's son? A. I don't know.
32. How far was he from the father's son, or was he from the
33. mother's son? A. I don't know.
34. How far was he from the father's son, or was he from the
35. mother's son? A. I don't know.
36. How far was he from the father's son, or was he from the
37. mother's son? A. I don't know.
38. How far was he from the father's son, or was he from the
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Age Group	1990	1995	2000	2005
0-14	22	20	18	15
15-24	18	20	22	22
25-34	20	18	18	18
35-44	15	16	17	18
45-54	12	11	10	10
55-64	8	9	11	12
65+	5	4	3	3

100

Figure 1

[illegible]

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR

—

TO THE COMMISSIONER OF THE GEOLOGICAL SURVEY
WASHINGTON, D. C.

—

I hereby certify that the following is a true and correct copy of the original as the same appears in the files of the Department of the Interior, and that the same is a true and correct copy of the original as the same appears in the files of the Department of the Interior.

Very respectfully,
[Signature]

TO THE COMMISSIONER OF THE GEOLOGICAL SURVEY
WASHINGTON, D. C.

(2).

between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one William Bennett, who is alleged to have been an one-fourth blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William Bennett signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 525).

It is, therefore, the opinion of this Commission that

(3)

the evidence herein is insufficient to determine the identity of William Franklin Bennett, Noble Bennett and Dalton Bennett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Dixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

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4640 .

Muskogee, Indian Territory, April 22, 1902.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 19, asking if the application of W. J. Miller for identification as a Mississippi Choctaw has been passed upon by the Commission. You also inquire whether one W. F. Bennett, of Durant, Indian Territory, has applied for identification as a Mississippi Choctaw.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to the claim of William J. Miller to identification as a Mississippi Choctaw. As soon as a decision is reached, he will be notified of the action taken by the Commission.

You are further advised that it appears from our records that William F. Bennett, of Durant, Indian Territory, made application to this Commission, February 12, 1902, for the identification of himself and two minor children as Mississippi Choctaws. No decision

L.D.H. 2

ion has been rendered in this case.

Yours truly,

Acting Chairman.

H.C.R. 4690.

COPY

Muskogee, Indian Territory, November 1, 1902.

I. S. Johnson,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:-

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William Franklin Bennett, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Franklin Bennett, Noble Bennett and Delton Bennett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicant

B. S. Johnson, --3.

in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments. will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

[Signature]

James Dixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, November 1, 1902.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William Franklin Bennett, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Franklin Bennett, Noble Bennett and Delton Bennett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eight hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such

Mansfield, McMurray & Cornish, ---2.

arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

COB
Muskogee, Indian Territory, November 1, 1902.

William Franklin Bennett,
Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William Franklin Bennett, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Franklin Bennett, Noble Bennett and Delton Bennett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

W F B B

days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Fame Bixby.

Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of William Franklin Bennett, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of November 1st, 1902.

The Commission has the honor to report that the principal applicant in this case, his attorney of record and the attorneys of the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 4890.

-:- COPY -:-

Land.
69865--1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, December 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made November 17, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of William Franklin Bennett, for himself, and his two minor children, Noble and Delton Bennett, for identification as Mississippi Choctaws, claiming rights under the provisions of the 14th article of the treaty of 1830. November 1, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed from William Bennett, through William Bennett, his son, it being claimed that William Bennett, the grandfather, was a member of the Choctaw tribe of Indians in Mississippi in 1830, and complied or attempted to comply with the provisions of article 14 of the treaty. The applicants are not full blood Choctaw Indians.

An examination of the records of this office fails to show that William Bennett received a patent for land under the provisions of article 14 of the treaty of 1830, or complied or attempted to comply with the provisions thereof; neither does it

-:- 3 -:-

appear that he applied to the Commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of his rights, if he had any, as a Choctaw Indian.

It is therefore respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. Jones,

Commissioner.

C.T.C.(E.)

-:- COPY -:-

D.O. 573

EAF.

ITD.7861-1902.

DEPARTMENT OF THE INTERIOR,

L.R.S.

WASHINGTON.

January 3, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of William Franklin Bennett and his minor children, Noble and Delton Bennett.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one William Bennett, alleged to have been a one-fourth blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said William Bennett complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application November 1, 1902.

Forwarding the papers December 18, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

After a careful review of the whole record the Department affirms the decision rendered.

Respectfully,

Thos. Ryan,

1 inclosure.

Acting Secretary.

Muskogee, Indian Territory, January 16, 1903.

Mansfield, McMurray & Cornish,

Chickasaw and the Creek and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 3d day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William Franklin Bennett, et al., of which decision you were advised by mail on the 1st day of November, 1902.

Respectfully,

Commissioner in charge.

Muskogee, Indian Territory, January 16, 1903.

B. S. Johnson,

Attorney at law,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 3d day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William Franklin Bennett, et al., of which decision you were advised by registered mail on the 1st day of November, 1902.

Respectfully,

Commissioner in charge.

M.C.R. 4690.

Muskogee, Indian Territory, January 16, 1903.

William F. Bennett,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 3d day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William Franklin Bennett, et al., of which decision you were advised by registered mail on the 1st day of November, 1902.

Respectfully,

T. D. Wooten
Commissioner in charge.

No. 4350

For Identification as a Mississippi Choctaw.

Date

Name William F. Bennett.

Age 33

Blood $\frac{1}{16}$

Post Office, Murant, I. T.

Father: William Bennett, I.

Mother: Sarah " d.

Claims through Father
wife, Rozella Bennett, I. W.
No claim for wife.

Children:

Little Bennett, 6

Wilton " 2

Claims for self &
children.

Refused

Choctaw MCR 4691

Ellen Williams

MCR 4691

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ellen Williams,
et al., for identification as Mississippi Choctaws, M C R 4691.

List of papers forwarded to the Secretary of the Interior
comprising the record in above entitled case.

Original application of Ellen Williams,
et al., to the Dawes Commission for
identification as Mississippi Choctaws..... 1
Testimony of Maria Gordon..... 2
Decision of the Commission refusing
the application of Ellen Williams, et
al., for identification as Mississippi Choctaws.. 3

4691

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 8th, 1902.

In the matter of the application of Ellen Williams for the identification of herself and nine minor children, Alfred, Susan, Sharper, Mattie, James, Arthur, John David, Ella and McCullen, as Mississippi Choctaws.

APPEARANCES; S.A. Beadle, Attorney for applicants,
A.W. Jones, Agent for applicants.

Said Ellen Williams, being first duly sworn, testified as follows:-

Examination by the Commission.

Q What is your name? A Ellen Williams.
Q How old are you? A Thirty-five.
Q How much Choctaw blood have you? A My mother's father-she said her father was whole Indian.
Q Do you claim to be a quarter? A Yes sir.
Q What is your postoffice address? A Winona, Mississippi.
Q What County? A Montgomery.
Q How long have you lived in Montgomery County? A I have always lived in Montgomery County excusing one year. I never have lived out of Montgomery County.
Q Is your father living? A No sir.
Q What was his name? A David Gee.
Q Is your mother living? A No sir.
Q What was her name? A Hannah Gee.
Q Through which one of your parents did you get your Choctaw blood?
A My mother.
Q How long has your mother been dead? A She's been dead one year this last January.
Q How old was she when she died? A She was sixty-four years old.
Q She was a slave? A Yes sir.
Q Was your father a slave? A Yes sir.
Q Where was your mother born? A She was born in Mississippi.
Q Did she live here all her life? A Yes sir.
Q What part of the State did she live in? A I never knowed her to live in any other State-she lived here in Carroll County. She always lived in Carroll and Montgomery Counties.
Q Through which one of her parents did she get her Choctaw blood?
A Her father.
Q What was his name? A Starling Banner.
Q How much Choctaw blood did he have? A He was whole.
Q Did you ever see him? A No sir.
Q You don't know anything about him, then? A No sir-I knowed my grandmother but I never did know him.
Q What was your mother's mother's name? A Cynthia.
Q Was she a slave? A Yes sir.
Q No Choctaw blood? A No sir.
Q Where was Starling born-do you know? A No sir, I couldn't tell you-I never heard her say anything about that.
Q She never was married to him, was she? A Not as I know of.
Q Did she ever have any other children by him besides your mother?
A I believe she had other but I don't know whether they were whole sisters or not.

Ellen Williams et al--2

Q Do you know the name of either one of Starling's parents? A No sir, I do not.

Q You don't know whether he lived here in this country all his life or not? A No sir, I couldn't say. I never heard her say anything about that.

Q Are you married? A Yes sir.

Q Is your husband living? A Yes sir.

Q What's his name? A Sidney Williams.

Q Has he any Choctaw blood? A Not as I know of.

Q You make no claim for him, then? A No.

Q How many children have you living who are under 21 years of age and unmarried? A Nine.

Q Give us their names and ages? A Alfred Williams is the oldest.

Q How old is he? A Nineteen.

Q Next one? A Eighteen.

Q What's the name? A Susan Williams.

Q Next one? A Sharper Williams.

Q Boy? A Yes sir.

Q How old? A Sixteen years old.

Q Next one? A Hattie.

Q How old? A Fourteen.

Q Next one? A James.

Q How old? A Eleven.

Q Next one? A Arthur.

Q How old? A Nine.

Q Next one? A John D.

Q How old? A Six.

Q Next one? A Ella? A How old? A Four.

Q Next one? A McCullen.

Q Is that a boy? A Yes sir.

Q How old? A Two years old.

Q Is that all of them? A Yes sir.

Q Are these children, all nine of them, living with you? A Yes sir.

Q Are they all the children of yourself and Sidney Williams? A Yes sir.

Q This application, then, is for yourself and nine minor children is that right? A Yes sir.

Q Has any application of any kind ever been made before today for yourself or any of these children to be admitted or enrolled as members of the Choctaw Tribe of Indians? A No sir.

Q This is the first effort of any description that has ever been made in behalf of any of you looking to the establishment of your rights as Choctaws, then? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q You heard it explained fully to the applicant Amy Martin who was on the stand before you, didn't you? A Yes sir, I heard you explain it.

This treaty was made here in Mississippi on what is known as Dancing Rabbit Creek on the 27th day of September, 1830--over 71 years ago--between the United States Government and

Ellen Williams et al--2

Q Do you know the name of either one of Starling's parents? A No sir, I do not.

Q You don't know whether he lived here in this country all his life or not? A No sir, I couldn't say. I never heard her say anything about that.

Q Are you married? A Yes sir.

Q Is your husband living? A Yes sir.

Q What's his name? A Sidney Williams.

Q Has he any Choctaw blood? A Not as I know of.

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Q Has any application of any kind ever been made before today for yourself or any of these children to be admitted or enrolled as members of the Choctaw Tribe of Indians? A No sir.

Q This is the first effort of any description that has ever been made in behalf of any of you looking to the establishment of your rights as Choctaws, then? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q You heard it explained fully to the applicant Amy Martin who was on the stand before you, didn't you? A Yes sir, I heard you explain it.

This treaty was made here in Mississippi on what is known as Dancing Rabbit Creek on the 27th day of September, 1830--over 71 years ago--between the United States Government and

the Choctaw Tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who insisted upon staying here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article now? A Yes sir, I think so.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not as I ever heard of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir.

Q Are you quite sure of that? A I never heard of any.

Q Did any of them, in fact, live here 71 years ago? A My grandmother she's been here in Mississippi all her life.

Q But she wasn't an Indian? A No sir-but my grandfather was here I reckon-about that time I know.

Q Where did he live at that time? A I don't know whether he was in Mississippi then or not-my mother is sixty odd years old, I think she was here at that time.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.

Helen Williams et al---4

- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A None that I knows of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States? A No sir, not that ever I heard of.
- Q Never got any land here from the Government to your knowledge? A No land at all.
- Q Did any of them ever get any money from the Government? A No sir.
- Q Did any of them ever get any land anywhere else from the Government? A No sir, not that I ever heard of.
- Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they were entitled to land under article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in the place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land, and should

Ellen Williams et al---5

be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir.
Q Are you sure? A Not that I ever heard of.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
Q Do you know of any written evidence of any kind which would show or tend to show such a state of facts? A No sir.
Q Have you any written evidence of any kind to offer at this time? A No sir.
Q Have you any witnesses? A Yes sir, I have one witness.
Q What is the name of this witness? A Sister Gordon.
Q What do you expect to prove by her? A She was acquainted with my mother and she heard her say the same I suppose.
Q She does not know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, does she? A No sir.

Any other witnesses whose testimony you desire to have taken before the Commission may appear before us here at Meridian between now and the 15th of this month or within a reasonable time there after at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you would like to make at this time? A No sir.
Q Have you any children of age or married? A I have one-he is 21 years old.
Q What's his name? A Plato Williams.
Q Has he been before the Commission? A No sir.
Q Where does he live? A Right in the house with me.
Q Have you any full brothers or sisters living? A Yes sir.
Q How many? A I have one whole sister and four whole brothers.
Q What are their names? A Aron Gee, Joseph Gee, Nicholas Gee and Starling Gee.
Q Is Starling a boy or girl? A No sir, a boy.
Q Where do they live? A Two of them lives in Carroll County-one lives down in the swamp and one lives in Missouri.
Q What is the name of your sister? A Susan Hallie.
Q Where does Susan live? A She lives in the swamp too, this year.
Q Yazoo swamp? A I don't know, sir, what swamp she's in.
Q Have you any half brothers or sisters who have the same mother as you? A I have one brother.
Q What's his name? A Wiley Hill.
Q Have you any full brothers or sisters dead? A Yes sir, I've got two is dead.
Q Were they grown when they died? A Yes sir.
Q Did they leave children? A Yes sir.

Ellen Williams et al---6

- Q Both of them? A Yes sir.
Q How many children? A One left two and the other left six.
Q Are these children living? A Yes sir, all children is living.
Q What are the names of those two boys? A Charlie and Osborn Banks, ton.
Q They are the children of one of your sisters? A Yes sir.
Q What was her name? A Martha Bankston.
Q Where do these boys live? A One in Carroll and one in Montgomery County.
Q What are the names of these six children? A Hannah Bradbury, Josh Bradbury, Sallis Bradbury, Clarence Bradbury, Maudie Bradbury and Wesley Bradbury.
Q They are the children of one of your sisters? A Yes sir.
Q What was her name? A Delphia Bradbury.
Q Where are these children? A Their fathers has got them all in the swamp except the oldest girl.
Q Have you any half brothers or half sisters dead who left children by your same mother? A No sir.
Q Are any of your mother's brothers or sisters living? A Not as I knows of-she had one brother went off but I don't know whether he is dead or living.
Q You don't speak or understand Choctaw? A No sir.
Q Your mother didn't, did she? A No sir.

This applicant has the appearance of being a negro-shows no indications of being possessed of Indian blood-she does not speak or understand the Choctaw language.

Mariah Gordon, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Mariah Gordon.
Q How old are you? A I am about fifty.
Q What is your postoffice address? A Winona, Mississippi.
Q How long have you lived at Winona? A I been living on the bounds of Winona now about seven years.
Q Where did you live before that? A In Attala County.
Q This State? A Yes sir.
Q Were you a slave? A Yes sir.
Q Are you acquainted with the applicant Ellen Williams? A Yes sir I was a acquainted with her mother.
Q You are acquainted with her too? A Yes sir.
Q Are you any kin to her? A Not as I know of.
Q You are not interested in any way in the result of her application, are you? A No sir.
Q How long have you known Ellen? A I been knowing her now about three years.
Q What was her mother's name? A I done forgot her name.
Q How long has she been dead? A She died sometime last year-I think in January.
Q How long did you know her mother? A I wasn't acquainted with her only about two months. I just formed acquaintance with her when I

Ellen Williams et al---7

moved there. I don't know anything about her only she told me who she was and what she was.

Q What did she tell you? A She just told me she was an Indian. She told me she was a Choctaw Indian. That's just the way she told me.

Q She didn't look to you like an Indian, did she? A Yes sir, she represented an Indian to me right smart-her features. I don't know whether she was an Indian or not but she looked like one.

Q You didn't know her but about two months? A No sir, only about two months.

Q Do you know where she spent the greater part of her life? A No sir.

Q You don't know whether she or any of her ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir, I don't know nothing about that.

This witness is a negro of average intelligence.

(Witness excused).

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 8th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 27th day of February, 1902, at Franks, Mississippi.

L. B. Niles
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

2-11-1892
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ellen Williams,
et al., for identification as Mississippi Choctaws. M.C.R. 4691.

--- DECISION ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Ellen Williams for herself and her nine minor children, Alfred, Susan, Sharper, Mattie, James, Arthur, John D., Ella and McCallie Williams, under the following provision of the act of Congress approved June 23, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty be-

(2).

tween the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Starling Banner, who is alleged to have been a full-blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Starling Banner signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 100), and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that

(3).

the evidence herein is insufficient to determine the identity of Ellen Williams, Alfred Williams, Susan Williams, Sharper Williams, Mattie Williams, James Williams, Arthur Williams, John D. Williams, Ella Williams and McCullen Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 31 1902.

Muskogee, Indian Territory, October 31, 1902.

Manafield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Ellen Williams, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Williams, Alfred Williams, Susan Williams, Sharper Williams, Mattie Williams, James Williams, Arthur Williams, John D. Williams, Ella Williams and McCullen Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

--2--

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

1510NE

Tams Bixby.

Acting Chairman.

Muskogee, Indian Territory, October 31, 1902.

A. W. Jones,

A g e n t ,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Ellen Williams, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Williams, Alfred Williams, Susan Williams, Sharper Williams, Mattie Williams, James Williams, Arthur Williams, John D. Williams, Ella Williams and McCullen Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

--2--

have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James H. Smith

Acting Chairman.

Registered.

Muskogee, Indian Territory, October 31, 1902.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Ellen Williams, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Williams, Alfred Williams, Susan Williams, Sharper Williams, Mattie Williams, James Williams, Arthur Williams, John D. Williams, Ella Williams and McCullen Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

-2-

have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Bixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, October 31, 1902.

Ellen Williams,

Winona, Mississippi.

Dear Madam:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Ellen Williams, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Williams, Alfred Williams, Susan Williams, Sharper Williams, Mattie Williams, James Williams, Arthur Williams, John D. Williams, Ella Williams and McCullen Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this of-

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file, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Ellen Williams, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 31, 1902.

The Commission has the honor to report that the principal applicant in this case, her agent and attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tame Dixie.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 4691

Muskogee, Indian Territory, December 4, 1902.

Ellen Williams,

Winona, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you state that you received a letter from the Commission advising you of the refusal of the application made by you for the identification of yourself and minor children as Mississippi Choctaws; and granting you fifteen days from the date of said decision within which to file arguments in support of your case.

You ask if it is necessary for you to make personal appearance before the Commission, and can your husband appear for you?

In reply, you are informed that the fifteen days from October 31, 1902, granted you in which to file arguments in support of your claim, expired on November 16, 1902.

On November 17, 1902, the record in your case was forwarded to the Secretary of the Interior for review. Pending action thereon by him, the Commission cannot receive or consider further evidence.

Respectfully,

Acting Chairman.

Land
69841-1902.

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, February 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Ellen Williams, for herself and nine children, Alfred, Susan, Sharper, Mattie, James, Arthur, John D., Ella and McCullen Williams.

It appears from the record in this case that the applicants claim identification by reason of their being descendants of one, Starling Banner, the grandfather of the principal applicant. The principal applicant has no knowledge of her Choctaw ancestors having complied with the provisions of article 14 of the treaty of 1830, or of their having owned improvements in Mississippi or Alabama in 1830.

The Commission bases its decision rejecting these parties on the ground that its records do not show that Starling Banner ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

-2-

An examination of the records of this office rediscloses the fact that the name of Starling Banner does not appear among the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and the office, therefore, recommends the approval of the decision of the Commission rejecting these parties.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

E.B.H. H'r.

D.C.6255-1903.
ITD.1596-1903.
L.R.S.

(Copy)

EAF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, March 3, 1903.

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Ellen Williams and her minor children, Alfred, Susan, Sharper, Mattie, James, Arthur, John D., Ella and McCullen Williams, including your decision of October 31, 1902, denying the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Starling Banner, who is alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Starling Banner complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

Reporting February 11, 1903, the Acting Commissioner of Indian Affairs recommends your decision be approved. A copy of his letter

is inclosed.

The Department has carefully reviewed the record in the case and hereby affirms your decision.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

COPY.

M.C.R. 4691.

Maskogee, Indian Territory, March 11, 1903.

Ellen Williams,
Winona, Mississippi.

Dear Madam:

You are hereby notified that on the 3rd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Ellen Williams, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

SIGNED,

Larns Dixby.
Chairman.

COPY.

M.C.R. 4691.

Muskogee, Indian Territory, March 12, 1903.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 3rd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Ellen Williams, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

(SIGNED)

Tams Birby.
Chairman.

M.C.R. 4691.

COPY.

Muskogee, Indian Territory, March 12, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 3rd day of March 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Ellen Williams, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

M.C.R. 4691.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 3rd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Ellen Williams, et al., of which decision you were advised by mail on the 31st day of October, 1902.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

#1729

No. 4691

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date FEB 8 1902

Name Ellen Williams

Age 35 Blood 1/4

Post Office, Winona, Miss.

Father: David Lee

Mother: Hannah "

Claims through mother
husbandSidney Williams
No claim for husband.

Claims for self and 9 children.

Children:

Alfred	Williams	19
Susan	"	18
Sharper	"	(M) 16
Mattie	"	14
James	"	11
Arthur	"	9
John David	"	6
Elfa	"	4
McCullen	"	2

Other father: Starling Banner

Feb

J. S. Killeo

Choctaw MCR 4692

Amy Martin

MCR 4692

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Amy Martin, et
al., for identification as
Mississippi Choctaws.
M.C.R. 4692.

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the page occupied by each
in said record.

Original application of Amy Martin, et
al., to the Dawes Commission for identification
as Mississippi Choctaws,

page

1

Decision,

8

4692

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 8th, 1902.

In the matter of the application of Amy Martin for the identification of herself and seven minor children, Garland, Finis, Katie, Winnie, Ella, Cera and Timmie, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicants,
A.W. Jones, Agent for applicants.

Said Amy Martin, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Amy Martin.
- Q How old are you? A I went to get my age from the white people but they said the paper was burned up.
- Q How old do you think you are? A I think I am somewhere about forty-five years old.
- Q How much Choctaw blood have you? A Quarter.
- Q What is your postoffice address? A Winona.
- Q What County? A Montgomery.
- Q How long have you lived at Winona? A I've been there I think very near six years.
- Q Where did you live before that? A In Carroll County.
- Q How long had you lived there? A I was bred and born there.
- Q You have lived in this State all your life, then? A Yes sir.
- Q Were you a slave? A Yes sir.
- Q Is your father living? A No sir.
- Q What was his name? A Henry Copperal.
- Q Is your mother living? A No sir.
- Q What was her name? A Winnie Pleasant.
- Q Through which one of your parents did you get your Choctaw blood? A I couldn't tell-about my father; it was on my mother's side.
- Q Was your father a slave? A Yes sir.
- Q Was your mother a slave? A Yes sir.
- Q How long has your mother been dead? A About eight years.
- Q How old was she when she died? A I disremember-the bible was burned up at my white mistress house. She had all the ages.
- Q How old was your mother when she died? A I don't know.
- Q Were you her oldest child? A Yes sir.
- Q Where was your mother born? A Carroll County.
- Q This State? A Yes sir.
- Q Could she speak the Choctaw language? A No sir.
- Q You can't? A No sir.
- Q Through which one of her parents did she get her Choctaw blood? A She claimed she got it through her mother.
- Q What was her mother's name? A I don't know-I never did see her mother.
- Q You don't know anything about her? A No sir.
- Q You don't know where she lived? A No sir.
- Q Did you know your mother's father? A No sir.
- Q According to your statements, your mother's mother must have been a full blood Choctaw? A That's what she always told me-I don't know.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.

Amy Martin etal---2

- Q What's his name? A Osborn Martin.
Q He has no Choctaw blood? A No sir.
Q You make no claim for him? A No sir.
Q How many children have you living who are under 21 years of age and unmarried? A Seven.
Q What are their names and ages? A Garland.
Q How old is he? A Eighteen.
Q Next one? A Finis.
Q How old is he? A Sixteen.
Q Next one? A Katie.
Q How old is she? A Fourteen.
Q Next one? A Winnie.
Q How old is she? A Twelve.
Q Next one? A Ella.
Q How old is she? A Ten.
Q Next one? A Gora.
Q How old? A About eight.
Q Next one? A Timmie.
Q How old is Timmie? A He's five years old this ^{last} ~~last~~ August.
Q Are all these children living? A Yes sir.
Q Are they living with you? A Yes sir.
Q This application is for yourself and seven minor children? A Yes sir.
Q These children all are the children of yourself and Osborn Martin, are they? A Yes sir.
Q Has any application of any description ever been made before today for yourself or any one of these children looking to the establishment of your rights as Choctaw Indians? A No sir, never has.
Q You never have lived in Indian Territory, have you? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and seven minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir,
Q Do you know what a treaty means? A No sir.

A treaty is an agreement or contract between Nations--now, if you and someone else have an understanding you call it an agreement or contract; when two nations have such an understanding they call it a treaty or when a nation and an Indian Tribe have an understanding like that, they call it a treaty. This treaty of Dancing Rabbit Creek was entered into and was called the treaty of Dancing Rabbit Creek because it was made here in Mississippi on the Dancing Rabbit Creek, a creek of that name. This treaty was made about 71 years ago--it was made on the 27th day of September, 1830--between the United States Government and the Choctaw Tribe of Indians. The object of this treaty was to get these Indians who lived here in Mississippi at that time, to go out west of the Mississippi River to what is now known as the Choctaw Nation Indian Territory and at the time the treaty was made some of the Indians didn't want to go out there--they wanted to stay here--and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the

Amy Martin et al---3

Treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government of the United States. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand that article? A No sir.

I will try to explain it to you. This treaty was made here over 71 years ago and within a few years after the treaty was made most of the Indians were moved from this country out to the new nation west of the Mississippi River. The 14th article provided that if a Choctaw wanted to stay here, he should let the Agent of the Government here in Mississippi-the Government had an Agent here in 1831-know that he wanted to stay here and he must so let this Agent know within six months from the time the treaty was finally ratified or agreed to-that was on the 24th day of February, 1831. After he had done that, he was entitled to a reservation of one section of six hundred and forty acres of land or a piece of land a mile square. For each child in his family over ten years of age he was entitled to one half that quantity or 320 acres of land and for each child under ten years of age, he was entitled to a quarter section or 160 acres of land. I am speaking of land here in Mississippi at that time, 71 years ago. These reservations for the children at that time were required to adjoin the location of the parent and the reservations for these Indians were required by that 14th article, in every instance, to include the improvement of the Indian as it existed on the 27th day of September, 1830. The Government wanted these Indians to establish homes and live on them and improve their places and become citizens of the States. The 14th article required, further, that the Indians should live on these reservations

for five years from February 24, 1831, the day the treaty was ratified, and if he did that he was entitled to a grant in fee simple for the land-that is, the Government would give him a deed to it and the land would become his. Now that 14th article provided further, that persons who claimed under that article-that is Indians who stayed here in Mississippi under article 14 of the treaty-should not, by reason of their having done so, lose the privilege of a Choctaw citizen but if they ever removed-that is if they ever went out to the new nation-they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Choctaws by the Government of the United States under treaty provisions.

Q Do you know what ancestors means? A No sir.

Ancestors means your forefathers or what you people term your old folks.

Q Did any of your ancestors-your Choctaw ancestors-ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever receive any benefits under article 14? A No sir.

Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir, they never have owned anything of that kind.

Q Were any of them living here 71 years ago when this treaty was made? A I couldn't tell you.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know of any of them moving at all.

Q Did any of them within six months & from the time this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not as I know of.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the Treaty of Dancing Rabbit Creek? A I never knewed nothing-they aint none of them owned land that I know of.

Q If they ever got any land from the Government you would have heard of it, wouldn't you? A Yes sir, I would.

Q Did they ever get any money from the Government? A No sir, not that I knows of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many

Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Indians lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi and heard a great many of these cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Never did? A I never heard of no such before.

An Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Never have that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir, I do not- I sure don't.

Q Have you any written evidence of any kind to offer at this time? A No sir.

Q Have you any witnesses here today? A I wasn't able to pay my witnesses way here.

Q How many witnesses have you? A I didn't have but one.

Q What is that witness's name? A Lulla Stephens.

Q Where does she live? A In Winona.

Q Is she white or black? A Colored.

Q How old is she? A I don't know, sir.

Q About how old? A I don't know, sir.

Amy Martin et al--6

Q Is she older than you are? A Yes sir, but I don't know how old she is.

Q What could you prove by her? A I just could prove-I couldn't prove nothing by her, only she knew my mother and grandmother.

Q Is that all? A Yes sir-she knew them to be up to blood that I claim.

Q She doesn't know whether any of your people ever complied with this 14th article of the treaty of Dancing Rabbit Creek, does she?

A No sir.

If you should desire to offer the evidence of any witnesses in support of this application, they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you would like to make at this time? A No sir.

Q How many children have you who are over age or married? A I have four sons and a daughter.

Q Give us the names of these children? A George Martin.

Q Where does he live? A They are working about now-they are down in the swamp now. They stay with me when they come home.

Q What is the next one? A Reuben Martin, Thomas Martin, Sidney Martin and Emma Baker; that's her name now; she's married.

Q Have any of these children been before the Commission? A No sir.

Q Have you any brothers or sisters living? A I have one half brother living.

Q Same mother or the same father? A Same mother.

Q What's his name? A George W. Ware.

Q Where does he live? A He lives in Carroll County.

Q Has he the same amount of Indian blood you have? A I don't think he has.

Q You don't think he has as much as you have? A I don't think so-he is much darker than I am.

Q You have the same mother? A Yes sir.

Q Has he been before the Commission? A No sir.

Q Did you ever have any other brothers or sisters? A All my brothers and sisters are half brothers and sisters. He's the only one I know of.

Q Are they all by the same mother? A Yes sir.

Q How many more have you? A Sim, Ben, Frank, Jennie, Ann and Virginia. I haven't any whole brothers or sisters.

Q What is the surname of these children? A Sim Norwood.

Q Are the girls married? A Yes sir.

Q Give the married names of these three girls? A I couldn't do that-they left and went to other places-some are in Texas.

Q Are any of your mother's brothers or sisters living? A I never did know nothing about none of her brothers or sisters.

Q Did she ever have any that you know of? A I heard she had one who got drowned. That's all I know about.

This applicant has the appearance of being possessed of a

Amy Martin et al---7

mixture of negro and either white or Indian blood. Her features and facial expression resemble a negro-her hair is inclined to be straight. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 8th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 27th day of February, 1902, at Franks, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By

Smith

Deputy.

E.H.
C.O.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION to the FIVE CIVILIZED TRIBES.

In the matter of the application of Amy Martin, et al., for
identification as Mississippi Choctaws, N.C.R. 4892.

DECISION.

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commis-
sion by Amy Martin for herself and her seven minor children; Gar-
land, Fina, Katie, Winnie, Ella, Sam and Fannie Martin under
the following provision of the Act of Congress, approved June 26,
1898, (30 Stat., 495):

"Said Commission shall have authority to deter-
mine the identity of Choctaw Indians claiming rights
in the Choctaw lands under Article Fourteen of the
Treaty between the United States and the Choctaw Na-
tion, concluded September twenty-seventh, Eighteen
Hundred and Thirty, and to that end may administer

oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, by reason of being descendants of one Winnie Pleasant, who is alleged to have been possessed of some Choctaw blood (degree not stated).

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1886, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said Article Fourteen of the Treaty of Eighteen Hundred and Thirty, and to persons who heretofore were claimants thereunder, that the said Winnie Pleasant signified, (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said Article Fourteen, or presented a claim to rights thereunder, to either of the Commissions authorized to adjudicate such

claims under the Acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amy Martin, Garland Martin, Finis Martin, Katie Martin, Winnie Martin, Ella Martin, Cora Martin and Timmie Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said Article Fourteen of the Treaty of Eighteen Hundred and Thirty, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee,
Indian Territory, this

AUG 9 1902

OPY.

M C R 4692

Muskeges, Indian Territory, August 9, 1902.

Amy Martin,

Winona, Mississippi.

Dear Madam:

You are hereby advised that on the 9th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Amy Martin, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amy Martin, Garland Martin, Finis Martin, Katie Martin, Winnie Martin, Ella Martin, Cora Martin, and Timmie Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

A 12-2,

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior, for review and you will be informed in due time of such action as may be taken thereon.

Yours truly,

SIGNED,

Tams Dixby.
Acting Chairman.

Registered.

M C R 4698

COPY.

Muskogee, Indian Territory, August 9, 1902.

S. A. Beadle,
Attorney at Law.
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 9th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Amy Martin, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amy Martin, Garland Martin, Finis Martin, Katie Martin, Winnie Martin, Ella Martin, Cora Martin and Fannie Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered".

S A D-2,

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Tams Bixby.
Acting Chairman.

Registered,

OPY.

Muskogee, Indian Territory, August 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Amy Martin, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 9, 1902.

The Commission has the honor to report that the principal applicant herein, her attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letter being attached to the record.

Respectfully,

Tamo Dixie.

Acting Chairman.

Through the Commissioner
of Indian Affairs.
1 enclosure.

COPY.

Maskogee, Indian Territory, August 9, 1902.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 9th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Amy Martin, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amy Martin, Garland Martin, Finis Martin, Katie Martin, Winnie Martin, Ella Martin, Gora Martin, and Timmie Martin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered".

W. H. H. & Co.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tamr Dixby.
Acting Chairman.

COPY.

Muskogee, Indian Territory, August 9, 1902.

A. W. Jones, Agent.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 9th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Amy Martin, et al., applicants for identification as Mississippi Cheetaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amy Martin, Garland Martin, Finis Martin, Katie Martin, Winnie Martin, Ella Martin, Cora Martin and Timmie Martin as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered".

A W J-2.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED:

Tamc Dixby.

Acting Chairman.

Registered.

Land.

48397-1902.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Washington, Oct. 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made August 9, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes forwarding the record in the matter of the application of Amy Martin, for the identification of herself and her seven minor children, Garland, Finis, Katie, Winnie, Ella, Cora and Timmie, as Mississippi Cheetaws claiming rights under the provisions of the fourteenth article of the treaty of 1830.

August 9, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed from Winnie Pleasant, mother of principal applicant Amy Martin.

The Applicants are not full-blood Cheetaw Indians. An examination of the records of this office fails to show that Winnie Pleasant received a patent to land under the provisions of article fourteen of the treaty of 1830, or that she complied or attempted to comply with the provisions of said article; neither is it shown that she applied to the Commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of her rights, if any she had,

-2-

as a Cheetaw Indian.

It is therefore respectfully recommended that the decision of the Commission rejecting the applications be approved.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAW
D

3 inclosures.

D. C. No. 20950.-1902.

C O P Y.

DEPARTMENT OF THE INTERIOR,

BAF.

ITD. 6679-1902.

WASHINGTON.

October 31,,1902.

L.R.S.

Commission to the Five Civilized Tribes

Muskogee, I. T.

Gentlemen:

August 9, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Amy Martin and her minor children, Garland, Finis, Katie, Winnie, Ella, Cora and Timmie Martin.

The applicants endeavor to trace their descent from one Winnie Pleasant, alleged to have been possessed of some Choctaw blood.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Winnie Pleasant complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842, (5 Stat., 513). You refused the applications August 9, 1902.

Forwarding the papers October 29, 1902, the Commissioner

-2-

of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed herewith.

The Department has carefully considered the record in the case, and, finding no reason to disturb your decision, the same is hereby affirmed.

Respectfully,

(signed) E. A. Hitchcock,

Secretary. E.M.D.

1 inclosure.

COPY.

M.C.R. 4682.

Wahkago, Indian Territory, November 22, 1902.

My Mother,

Winona, Mississippi.

Dear Madam:

You are hereby advised that on the 31st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Amy Martin, et al., of which decision you were advised by registered mail on the 6th day of August, 1902.

Respectfully,

E. C. CUMMINS

Acting Chairman.

COPY

H.C.R. 4692.

Muskogee, Indian Territory, November 22, 1902.

Mansfield, McMurphy & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Amy Martin, et al., of which decision you were advised by mail on the 9th day of August, 1902.

Respectfully,

James Ditty.
Acting Chairman.

M.C.R. 4692.

Muskogee, Indian Territory, November 22, 1902.

A. W. Jones. Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Amy Martin, et al., of which decision you were advised by registered mail on the 9th day of August, 1902.

Respectfully,

3NED,

Acting Chairman.

W.C.R. 4092.

Muskogee, Indian Territory, November 22, 1902.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Amy Martin, et al., of which decision you were advised by registered mail on the 9th day of August, 1902.

Respectfully,

Acting Chairman.

OF IDENTIFICATION AS A MICROSCOPIC ANALYSIS

Meridian Miss,

Date

FEB 8 1902

Name Amy Martin

Age 45

Blood 1/4

Post Office, Winona Miss

Father: Henry Copperel d

Mother: Winnie Pleasant d

Claims through mother

and

Osborn & Martin S

No claim for husband

Claims for self, " " " "

Children:

Alfred Martin 18

Edna " 16

Patie " 14

Winnie " 12

ella " 10

Gora " 8

Climmie " 5

Stenographer

J. S. Niles

Choctaw MCR 4693

Lizzie Collins

See MCR 4694

MCR 4693

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lizzie Collins,
et al., for identification as Mississippi Choctaws, consolidating
the applications of

Lizzie Collins, et al.....M.C.R. 4693
Rula Bryant, et al.....M.C.R. 4694.

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Lizzie Collins, et al.

Original application of Lizzie Collins,
et al., to the Dawes Commission for identi-
fication as Mississippi Choctaws.....1

Original application of Rula Bryant, et
al., to the Dawes Commission for identi-
fication as Mississippi Choctaws.....7

Decision of the Commission denying the
applications in the consolidated case of
Lizzie Collins, et al., for identifica-
tion as Mississippi Choctaws.....13

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, February 12, 1903.

#4693.

In the matter of the application of Lizzie Collins for the identification of herself and her minor child, Benjamin Collins, as Mississippi Chestaws.

Applicant represented by A. S. McRea, attorney.

Lizzie Collins, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Lizzie Collins.
Q What is your age? A Fifty-three.
Q What is your post office address? A Magnolia, Arkansas.
Q What? A Magnolia, Arkansas.
Q M-a-g-n-o-l-i-a ? A Arkansas.
Q How long have you lived in Magnolia? A Thirty-----forty-----
forty years.
Q Where were you born? A Thirty-----where were I born? I was
born in Virginia.
Q Where in Virginia? A Well, I was born in Virginia.
Q Where'bouts in Virginia? A I don't know where'bouts in Virginia
I was born in.
Q Did you go from Virginia to Alabama? A No sir, I went from Vir-
ginia to Alabama.
Q And how long did you live in Alabama? A I lived in Alabama about
-----about seven years.
Q And then you went where? A Then I come to Arkansas.
Q And you have lived in Arkansas since? A Yes sir.
Q What place in Arkansas-----Magnolia? A Yes sir.
Q Is your father living? A I don't know sir, whether he's living
or not.
Q Is your mother living? A No sir, she's dead.
Q What was your father's name? A Named Dan. Dan Diggs.
Q What? A He was named Dan Diggs.
Q Dan Diggs? A yes sir.
Q Do you know how to spell that? A D-i-g-g-s Diggs.
Q D-i-g-g-s ? A Yes sir.
Q Diggs? A yes sir.
Q What was your mother's name? A Julia.

(2).

- Q J-u-l-i-e ? A -l-i-a .
- Q J-u-l-i-a . Julia Diggs? A No sir, my mother-----my father---
mother and father was parted and she was married again.
- Q And what was her last name? A Her last name-----Julia Collins.
- Q Collins-----you claim your Choctaw blood through which parent,
father or mother? A Through my mother.
- Q How much Choctaw blood do you claim? A I can tell you how much
my grandmother was and then you can tell how much I am. My grand-
mother was a whole Choctaw Indian, and that made my mother half
Indian.
- Q Made you how much? A Quarter, I reckon, quarter.
- Q Was your mother ever been enrolled in any way or recognized as a
member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or by the United States authorities in the Indian
territory? A No sir, not as I knows of.
- Q What is your father's blood? A What was my father? He was a
African; he was black-----black man.
- Q Was he a slave before the War? A Sir?
- Q Was he a slave before the War? A Yes sir.
- Q Were you? A Yes sir.
- Q Was your mother? A Yes sir, my mother-----yes sir, my mother
was a slave.
- Q She was half Negro was she? A Yes sir-----no sir, she wasn't
half Negro, my grandma-----my grandmother was an Indian, a Choctaw
Indian, and my grandfather was a white man.
- Q Then your mother had white blood and Negro blood and Choctaw
blood? A Yes sir.
- Q Now if she had one half Choctaw blood-----my mother?
- Q Yes. A Yes sir.
- Q How did she happen to be a slave before the War, if she was part
Choctaw Indian? A How my mother become a slave?
- Q Yes? A Why, she was stolen and sold when she was little. Sold
by the speculators and bought out.
- Q Do you know who stole her? A No sir, I don't know who stole her
- Q That is the way she became a slave, is it? A Yes sir, that's the
way she became a slave.
- Q Have you a husband living? A Yes sir.
- Q What is his name? A Mose Collins.
- Q Well, how is it your mother had the name Collins and you also
have the name Collins, that is, your husband's name? A Well,
I'll tell you. My mother married my husband's brother before I
was old enough to marry. He's not my father.
- Q Your father in law Diggs? A Yes sir. My step-father gives
evidence of my grandmother.
- Q Where was your mother born? A I don't know sir, where she was
born at.
- Q When she was stolen, in what state was she? A I don't know sir,
what state she was stole in, but she was grown when I knowed her
and I don't know where she come from.
- Q Where did she die? A She died in Arkansas.
- Q When? Do you know? A She died-----I can't say. Died two-----
two years before the War commenced. You know what year that was.
- Q In 1859? A Yes sir.
- Q How old was she when she died? A Well, she was about-----I
reckon she was about twenty-----twenty-five years old, because
she didn't have nary grown child, and I was the oldest one. I
judged by that. That's what I had to judge by.
- Q Do you know whether she ever lived in Mississippi? A I don't
know whether she ever lived in Mississippi or not.

(3).

- Q Have you any children under twenty-one years of age, and unmarried? A Me? Yes sir, I have one.
- Q What is that boy's name? A What is his name?
- Q Yes? A Named Ben. Benjamin.
- Q Benjamin Collins? A Yes sir.
- Q How old is he? A Sixteen.
- Q Is Mose Collins his father? A Yes sir.
- Q He is living at your home? A Yes sir.
- Q Your other children are all married, are they? A Yes sir.
- Q Were your father and mother married? A Was my father and mother married? A
- Q Yes? A Yes sir.
- Q I mean Dan Diggs and Julia Collins? A Yes sir.
- Q They were married? A Yes sir, they were married.
- Q Were they both slaves when they come together? A Yes sir, they was slaves and after the War they was parted.
- Q Well, they didn't marry in those times, did they? A Yes sir, they married, and after the surrender they said it was legal. I don't know.
- Q You make application for yourself and son, do you? A Yes sir.
- Q Is your name of the name of your son on any of the tribal rolls of the Choctaw Nation in the Indian Territory? It isn't on the rolls is it? A No sir.
- Q Did you ever make application for yourself and your son, for citizenship in the Choctaw Nation to the Choctaw Tribal authorities in the Indian Territory? A No sir.
- Q Did you ever make application for yourself and your son for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? Never did, did you? A No sir.
- Q Have you or your son ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is it your purpose now in coming before the Commission to be identified as a Mississippi Choctaw, and to identify your son as a Mississippi Choctaw under article fourteen of the treaty of 1830? A yes sir.
- Q Do you understand that treaty? A No sir, I don't understand it.
- Q Did you ever hear of article fourteen of that Treaty? A Sir?
- Q Did you ever hear of article fourteen of that treaty? A No sir.
- Q The treaty was made between the United States Government and the Choctaw Indians. It is sometimes called the Treaty of Rabbit Creek, because it was made and signed at a place by that name in Mississippi on the 27th day of September, 1830. The object of the treaty was to effect the removal of all of the Choctaw Indians from the old Choctaw Nation, which was partly in Mississippi and partly in Alabama, to the Choctaw Nation, Indian Territory, but before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory, with the other Indians, and in order to protect their interests article XIV was put into the Treaty. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signi-

(4).

ifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply with that article? Any of your kinfelks, your ancestors, did they ever do those things? A No sir.
- Q You understand that now do you now? Understand it well enough to claim under it, do you not? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified? A My grandmother?
- Q If that's the one. What is the name? A Charlott.
- Q What? A She was named Charlott. I don't know what her surname was. My grandmother was named Charlott.
- Q Charlott, you don't know the other name? A No sir.
- Q How much Choctaw blood did she have? A She was half Choctaw.
- Q She was half? A She's whole Choctaw, my grandmother was.
- Q Did she live in Mississippi in 1830? A I don't know sir where she-----whether she did or not.
- Q That is your mother's mother is it not? A Yes sir, that's my mother's mother, I am talking about.
- Q Was she a slave before the War? A My mother's mother?
- Q Yes. A No sir, she wasn't a slave.
- Q Could you tell me where she was born? A Where my mother's mother was born?
- Q Charlott. I am talking about Charlott all the time? A No sir, I can't tell you where she was born, but somebody can tell where she was born.
- Q You can't tell? A No sir, I never inquired that.
- Q Where did she die? A I don't know where she died or whether she's dead or not.
- Q How old would she be if living now? A Well, she'd be about seventy years old, I think-----seventy-----she'd be about seventy years old.
- Q Can you give the name of any of your ancestors who lived in Mississippi in 1830? A No sir, I can't. I was too small, and no body's ever told me.
- Q Do you know whether Charlott, your grandmother, claimed through her father or her mother-----claimed Choctaw blood through her father or mother? A Knew whether she claimed it or not.
- Q Through her father or mother? A She was a whole Indian.
- Q Well, did she claim through both her parents? A Yes sir, she

was free. She never was bound.

- Q She was what? A She was a free woman.
- Q What was your grandmother's father's name? A I don't know sir. I don't know that, far back. I never inquired that.
- Q What was your grandmother, Charlott's name? A I don't know sir.
- Q You don't know? A No sir.
- Q What was her mother's name? A I don't know sir.
- Q You know nothing about her parents then? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the United States? A I don't know that. I don't know sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama, under article fourteen of the Treaty of 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors claim any benefits or any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that Treaty? A No sir, I don't know that either.
- Q Did they ever claim any benefits as Choctaw Indians under any treaty made between the United States Government and the Choctaw Tribe of Indians other than the Treaty of 1830? A I don't know.
- Q The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama, after the treaty of 1830 was ratified were required to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the Treaty, and signify to him their desire to stay in Mississippi, take land there, and their intention also to become citizens of the United States and a good many Indians did this under article XIV whose names Colonel Ward failed to put upon his list known as Ward's Register and his neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both; both were taken from them by the Government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians, especially among those who lost their lands, and as a result of the complaints Congress appointed a Commission in 1837, which went to Mississippi and heard claimants under article XIV of that Treaty, and in 1842 another Commission was appointed by Congress for the same purpose. This Commission went to Mississippi and heard claimants under Article fourteen of that Treaty. Did any of your Choctaw ancestors go before either of those two Commissions and claim benefits as Choctaw Indians under Article XIV of the Treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the United States Government as Choctaw Indians? A No sir.
- Q I mean by scrip,-----I mean certificates which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they held in Mississippi and which the Government had taken from them? A No sir.
- Q This scrip was issued under the authority of an act of Congress approved August 23, 1842. You don't know that any of your ancestors got any? A No sir.

(6).

- Q Have you any relatives who have appeared here to be identified previous to yourself? A No sir.
- Q You are the first of your family? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Can't you speak the Choctaw language? A No sir.
- Q You don't understand it? A No sir.
- Q Have you any evidence or testimony that you want to introduce now? A No sir.
- Q You have nothing further? A No sir.
- Q Would you like a little time to take depositions? A Yes sir.

A reasonable time will be allowed this applicant for that purpose.

- Q Is there anything more you want to say? A No sir.

Cross-examination by Attorney.

- Q Did I understand you to say, Mrs. Collins, that you didn't know where your grandmother was born? A No sir, I said I didn't know where she was born.
- Q Well, did you ever hear? A No sir, I never heard. Oh! She was born in Mississippi.
- Q That's what I am asking you? A Yes sir.
- Q Now where was your grandmother born? A In Mississippi.
- Q Where was your mother born? A I said I don't know where she was born.
- Q Now as to your birth-place; now did you say that you was born in Virginia, or Talladega, Alabama? A No sir, I was born in Virginia.

By the Commission.

This applicant has the appearance and physical characteristics of being descended from Negro parentage. She does not understand the Choctaw language and had no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on February 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of February, 1902.

Subscribed and sworn to before me this 14 day of February, 1902.

Hal Belford
Chara M. Belford
Notary Public

Am. M.
C. S. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----|-----

In the matter of the application of Lizzie Collins,
et al., for identification as Mississippi Choctaws, consolidating
the applications of

Lizzie Collins, et al.....M.C.R. 4693
Nula Bryant, et al.....M.C.R. 4694.

--: D E C I S I O N :--

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this Commis-
sion by Lizzie Collins for herself and her minor child, Benjamin
Collins, and by Nula Bryant for herself and her three minor children,
Orpha, Reese and Ella May Bryant, under the following provision of
the act of Congress approved June 25, 1902, (32 Stat., 493):

(2).

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Charlett (surname not known), who is alleged to have been a fullblood Cheetaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Cheetaw tribal authorities as a member of the Cheetaw tribe, or admitted to Cheetaw citizenship by a duly constituted court or committee of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It is found that the name of one Charlotte appears upon page 20, Volume I, of claimants brief and evidence in the case of the Cheetaw Nation vs. the United States before the Court of Claims, number 12742, in a schedule of Cheetaw claimants enclosed, referred to in G. W. Martin's letter of December 24, 1834, as a child over ten years of age of Stem-on-aha-ka. There is nothing in the evidence submitted by the applicants herein tending to show that the

(3).

Charlott through whom these applicants claim is the identical Charlotte whose name appears in the record cited.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen, of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Charlott, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie Collins, Benjamin Collins, Rula Bryant, Oreba Bryant, Roscoe Bryant and Ole May Bryant as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications

(4).

for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Muskogee, Indian Territory,

AUG -6 1902.

COPY.

M C R 4693

McKeesee, Indian Territory, August 6, 1902.

Lissie Collins,

Magnolia, Arkansas.

Dear Madam:

You are hereby advised that on the 6th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lissie Collins, et al., embracing the following applications for identification as Mississippi Choctaws:

Lissie Collins, et al., M C R 4693

Eula Bryant, et al., M C R 4694

These applications were made under the provisions of the act of Congress of June 23, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

1 8-2,

"It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lissie Collins, Benjamin Collins, John Bryant, Orela Bryant, Reese Bryant and the May Bryant as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered,

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him,

Yours truly,

W. H. D.

Acting Chairman,

Registered,

Muskogee, Indian Territory, August 6, 1902.

A. B. McRea,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lizzie Collins, et al., embracing the following applications for identification as Mississippi Choctaws:

Lizzie Collins, et al., M C R 4693

Bula Bryant, et al., M C R 4694

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

A 8 McR-2.

"It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lissie Collins, Benjamin Collins, Nala Bryant, Orpha Bryant, Roscoe Bryant and Ole May Bryant as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and so be so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Samuel Dwyer,
Acting Chairman.

Registered.

M C R 4693.

Waskagee, Indian Territory, August 6, 1902.

Mansfield, McMurray & Gorman,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lizzie Collins, et al., embracing the following applications for identification as Mississippi Choctaws:

Lizzie Collins, et al., M C R 4693

Eula Bryant, et al., M C R 4694

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior".

Said decision concludes as follows:

W H H & C-2,

It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elias Gellian, Benjamin Gellian, John Bryant, Greba Bryant, Roscoe Bryant and Ole Ray Bryant as Cheyenne Indians entitled to rights in the Cheyenne lands under the provisions of said article fourteen of the treaty of September hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the matter to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

JED.

Acting Chairman.

Muskogee, Indian Territory, August 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Lissie Collins, et al., applicants to the Commission for Identification as Mississippi Choctaws, including the decision of the Commission of August 6, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Lissie Collins, et al.,
Mula Bryant, et al.,

M C R 4693
M C R 4694

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.
1 enclosure.

C o p y.

DEPARTMENT OF THE INTERIOR.

Land.
47189-1902.

Office of Indian Affairs.

Washington, October 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes, in the consolidated Mississippi Choctaw case of Lizzie Collins, et al., wherein the following cases were consolidated:

Lizzie Collins, et al.

Eula Bryant, et al.

The record evidence in this case consists of the testimony of Lizzie Collins and that of her daughter, Eula Bryant.

The witnesses do not state that any of their ancestors ever complied with the provisions of the 14th article of the treaty of 1830 and that their testimony shows that they know nothing of any such compliance on the part of any of their ancestors.

The record evidence fails to show that any of their ancestors ever received a patent for land under the provisions of said article.

The applicants claim that the grandmother of Lizzie Collins was named Charlott but do not know what her surname was and state that she was of Choctaw blood which is subsequently changed and the

claim made that she was a whole Choctaw.

The Commission in its decision calls attention to the fact that the name of one Charlotte appears upon page 50, volume 1 of claimant's brief and evidence in the case of the Choctaw Nation versus the United States before the Court of Claims No. 12,742 in the schedule of Choctaw claimants referred to in G. W. Martin's letter of December 24, 1834, as a child over ten years of age of Stem-on-aha ka.

An examination of the office records shows that "Ish-te-mo-na-ho-ka, a full blood Choctaw woman, aged about 45 years, being interrogated, says her name is Stem-on-aha-ka, and that at the time of the treaty she had a husband and two children. Her husband was named Ou-a-ha-cubbee. He went west about three years after the treaty. Her oldest child is named Tus-ka-um-bee. Died she thinks four or five years ago. He was born same year that Joe Peny was born. He was over ten years old at the treaty. About five feet high. He was living with her and her husband at that time. 2nd. Charlotta, a female (points her out). Over ten years old and lived with her at the time of the treaty on Saboglahatchie. No town near her. Is about four miles from the Kalla Busha."

There is no doubt but what there was a Mississippi Choctaw child by the name of Charlott or Charlotta over ten years old at the date of the treaty and that an attempt was made by her mother to comply with the provisions of the 14th article of the treaty, but the office agrees with the commission that there is nothing in the evidence submitted by the applicants tending to show that the Charlott

--3--

through whom these applicants claim is the identical Charlotte or Charlotta whose name appears of record in the office. With such an absence of testimony showing the line of descent or connecting the applicants with said Charlotte or Charlotta the office can do nothing more than concur in the decision of the commission refusing to identify the applicants as Mississippi Choctaws entitled to rights in the lands of the Choctaw Nation, and recommends that the same be affirmed by the Department.

Very respectfully,

Your obedient servant,

A. C. TOMER,

Acting Commissioner.

(W.C.B.)

P.

D. C. 19741.

C o p y.

EAF

DEPARTMENT OF THE INTERIOR.

W a s h i n g t o n, October 21, 1902.

ITD.6269-1902.

I. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

August 6, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Lizzie Collins and her minor child Benjamin Collins, and of Eula Bryant and her minor children, Oreba, Roscoe and Ola May Bryant.

The applicants endeavor to trace their descent from one Charlott, who is alleged to have been a full blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that the said Charlott, or a less remote ancestor of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513). You refused the applications August 6, 1902.

Forwarding the papers October 9, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is enclosed.

--2--

The Department has carefully considered the case and hereby affirms the decision rendered.

Respectfully,

E. A. HITCHCOCK,

Secretary.

1 inclosure.

W.C.R. 4663.

COPY.

Muskogee, Indian Territory, November 7, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lizzie Collins, et al., of which decision you were advised by mail on the 6th day of August, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

M.C.R. 4693.

COPY

Muskogee Co. Indian Territory, November 7, 1902.

A. S. McRae,

Attorney at Law,

Muskogee. Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lizzie Collins, et al., of which decision you were advised by registered mail on the 6th day of August, 1902.

Respectfully,

James D. Dwyer,
Acting Chairman.

M.C.R. 4695.

CC.

Muskogee, Indian Territory, November 7, 1902.

Lizzie Collins,

Magnolia, Arkansas.

Dear Madam:

You are hereby advised that on the 21st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lizzie Collins, et al., of which decision you were advised by registered mail on the 6th day of August, 1902.

Respectfully,

J. D. D.

Sam D. D.

Acting Chairman.

Consolidated Case
of
Lizzi & Collins et al.

REFER TO M. C. C.

Charlott — ft.

husband

X

- w -

Julia X $\frac{1}{2}$
slave - dead

mar

① Dan Diggs
negro

② Simon Collins
negro

mar
#673

Lizzie Diggs 53- $\frac{1}{4}$
slave -

mar

Moze Collins
neg

mar
4693

Benjamin Collins 16

mar

Eula Collins 33- $\frac{1}{4}$
mar

Pearson Bryant
neg

mar
4694

Oreba Bryant 9

Roscoe " 5

"Ola May " 3

For Identification as a Mississippi Choctaw.

Date

Name Lizzie Collins,

Age 53 Blood 1/4

Post Office, Magnolia, Ark.

Father: Dan Riggs, ^{negro} slave —

Mother: Julia Collins, d

Claims through Mother,
Husband

Mae Collins, (neg.)

No claim for husband

Children:

Benjamin Collins, 16

Claims for self and
son.

Enographer Wac Belford

Choctaw MCR 4694

Eula Bryant

See MCR 4693

MCR 4694

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, February 12, 1902.

#4694.

In the matter of the application of Eula Bryant for the identification of herself and her three minor children, Orsba, Roscoe and Ola May Bryant, as Mississippi Cheetaws.

Applicant represented by A. S. McRea, attorney.

Eula Bryant, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Eula Bryant.
Q What is the name? A Eula Bryant.
Q E-u-l-a, or U-l-a? E-u-l-a-, I guess. A E-u-l-a.
Q B-r-y-a-n-t, isn't it? A Yes sir.
Q Eula Bryant-----what is your age? A Thirty-three.
Q What is your post office address? A Muskogee, Indian Territory.
Q How long have you lived in Muskogee? A About a year and nearly twelve months. It will be twelve months-----
Q Nearly two years? A Nearly two years, yes sir.
Q Where did you live before that? A Lived in Arkansas? Magnolia, Arkansas.
Q Where were you born? A Magnolia Arkansas, Columbia County.
Q Always live there until you came to Muskogee? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Moses Collins.
Q What? A Mose Collins.
Q Mose Collins? A Yes sir.
Q What is your mother's name? A Lizzie Collins.
Q Did your mother make application February 12, just a little while ago, to-day-----yes sir,-----for identification as a Mississippi Cheetaw? A Yes sir.
Q You claim through her do you? A Yes sir, I do.
Q How much Cheetaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Cheetaw tribe of Indians by the Cheetaw Tribal authorities or by the United States authorities? A No sir.
Q What nationality or blood was your father-----is your father?
A My father?
Q Yes. A He's African.

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- Q Was he a slave before the war? A Yes sir.
- Q Was your mother a slave before the War? A Yes sir.
- Q Were you? A No sir.
- Q You weren't living then? A No sir, I wasn't in existence then.
- Q Your mother has what other blood besides the Choctaw which you claim she has? A My mother? She claims African blood besides Choctaw, and white too.
- Q Some white and some Negro? A yes sir.
- Q Have you a husband living? A Yes sir.
- Q Is he a Negro? A Yes sir.
- Q What is his name? A Pearson Bryant.
- Q You are living together, I suppose? A Sir?
- Q You are living together? A Yes sir, living together.
- Q Do you make any claim for him? A No sir.
- Q Do you know where your mother was born? A She was born in Virginia.
- Q What's that? Q She was born in Virginia, so I am told.
- Q How long did she live in Virginia? A I don't know sir, how long she lived there.
- Q From there she went where? A From there she went to Alabama.
- Q And she lived in Alabama how long? A I don't know sir, how long she lived there.
- Q From Alabama she went where? A Come to this country. Arkansas.
- Q Arkansas-----and lived there since? A Yes sir.
- Q At Magnolia? A yes sir, Magnolia, Columbia County.
- Q What is the name of your oldest child? A Oreba.
- Q What? A Oreba.
- Q O-r-e-b-a? A Yes sir.
- Q Bryant? A yes sir.
- Q How old is she? A She's nine. Nine last birthday.
- Q That's a girl? A Yes sir.
- Q What is the name of the other child? A Roscoe Bryant.
- Q How old is Roscoe? A Five.
- Q Any other? A Ola May Bryant.
- Q What? A Ola May.
- Q O-l-a-----how old? A Three years old.
- Q Is that all? A yes sir, that's all.
- Q You claim for yourself and children do you? A Yes sir.
- Q Was Pearson Bryant married before he married you? A No sir.
- Q Were you married before you married him? A No sir.
- Q Is he the father of these children? A yes sir.
- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes? A No sir.
- Q Under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children any of them ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and to identify these children as Mississippi Choctaws-----A I do-----claiming under article XIV of the Treaty of 1830. Do you claim under that article? A Yes sir.

(3).

- Q Do you understand that article of that Treaty? A No sir, I don't understand it.
- Q The Treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek, in Mississippi, on the 27th day of September, 1830, and was made for the purpose principally of removing all of the Choctaw Indians from that old Choctaw Nation, partly in Mississippi and partly in Alabama to the new Choctaw Nation, Indian Territory. Before the Treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory with the other Indians, and in order to protect their interests article XIV was put into the Treaty. After that the Treaty was signed and on the 24th day of February, 1831, it was ratified. Article fourteen of that Treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that now do you? A Yes sir.
- Q So as to claim under it? A Yes sir, I understand it.
- Q Do you know if any of your ancestors complied or attempted to comply with that article of that treaty? A No sir.
- Q Did they do those things? Do you know? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified? A Lissie Collins, my mother.
- Q She claims through her----? A She claims through her mother, and her grandmother.
- Q What was her grandmother's name? A Her grandmother's name was Charlett.
- Q Is that your great-grandmother? A My great-grandmother, yes sir.
- Q Do you remember the other name? A The surname? No sir, I don't know it. My grandmother's name was Julia.
- Q That is a daughter of Charlett-----Julia? A Yes sir.
- Q Did Charlett or Julia either of them ever live in Mississippi? A Charlett did to my knowledge.
- Q Did she live there in 1830? A I guess so, I don't know. That's what I have been told.
- Q Who told you that Charlett lived there in 1830? A They didn't

- tell me she lived-----they told me she was a native of Mississippi. I don't know whether she lived there then or not.
- Q You don't know whether she had a family in Mississippi in 1830?
- A Sir?
- Q You don't know whether she had a family in Mississippi in 1830?
- A No sir, I don't know that but she was a native of Mississippi.
- Q You claim through your mother, Lucy Collins? A Yes sir.
- Q She claims through her mother? A Julia.
- Q Julia? A Diggs, yes sir.
- Q Julia what? A Julia Diggs.
- Q And she claims through Charlett? A yes sir.
- Q Charlett and Julia were slaves were they at one time? A No sir, Charlett wasn't.
- Q Was Julia? A She was stolen. I don't know whether she she was a slave or not. They said she was stolen.
- Q How much Choctaw blood did Charlett have? A She was a fullblood.
- Q Did she speak the Choctaw language, Charlett? A Who are you speaking of?
- Q Charlett? A I guess so.
- Q Do you know it? A Sir?
- Q Do you know it? A No sir, I don't know it.
- Q Did she have a Choctaw Indian name? A I don't know none only Charlett. They said she had one.
- Q What? A That's what they said.
- Q Who said she had an Indian name? A The old people about home. Some Indians out there.
- Q What old people. Tell me who they were? A Sir?
- Q Tell me who said she had a Choctaw name? A Simon Collins.
- Q Who is he? A He's Julia Diggs' last husband.
- Q Do you know what that name was? A No sir, I don't know.
- Q How old would Charlett be if she were living now? A Be about seventy, I guess.
- Q Do you know? A No sir, I don't know positively.
- Q She might have been a hundred? A Yes, she might have been so far as I know. you know I am away on this side of that.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A No sir, not that I know of.
- Q Did any of your Choctaw ancestors to your knowledge within six months from the ratification of the Treaty of 1830 go to the United States Indian Agent and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States?
- A Not to my knowledge.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the Treaty of 1830? A Did they do what?
- Q Did they own any land or claim any under article fourteen in Mississippi or Alabama? A None that I know of.
- Q Did they own or claim any land or any benefits of any kind under any other articles of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.
- Q Did any of your ancestors if Choctaw Indians claim any benefits as Choctaw Indians under any treaty made between the United States Government and the Choctaw Tribe of Indians other than the treaty of 1830? A No sir.
- Q The Indians who remained in Mississippi and Alabama in the old Choctaw Nation in 1830, after the treaty was ratified, were required to go to the United States Indian Agent, whose name was Colonel Ward, and who had an Office in Mississippi, and tell him that they wanted to stay in the old Choctaw Nation, take land there and

become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put down upon his list known as Ward's Register. His failure to make a full and complete list of the names of all of the Choctaw Indians who went to him at his agency, or wherever he received applications complying with the provisions of article XIV of the Treaty of 1830, caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements which they had. Both were taken from them by the United States Government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians, so that in 1837, by an act of Congress approved March 3, 1837, a Commission was appointed. This Commission went to the state of Mississippi and hears claimants under article fourteen of that Treaty. In 1842 another Commission was appointed by Congress, by an act approved August 23rd of that year, and this Commission also went to the state of Mississippi and heard claimants under article fourteen of that Treaty. Did any of your Choctaw ancestors go before either of those two Commissions and claim any benefits under article fourteen of the Treaty of Dancing Rabbit Creek? A No sir, I don't know.

- Q The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the Treaty of Dancing Rabbit Creek, and it also further appeared that he had had land taken from him in Mississippi by the Government and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A No sir.
- Q Have you had any relatives who have appeared here to be identified except your mother, Lucy Collins? A No sir.
- Q Do you want her case and yours considered together? A Yes sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Have you any proof that you want to submit now in support of this claim? A No sir.
- Q Any further proof. Have you got any with you? A Witnesses?
- Q Any proof at all? A No sir, not at present, but I want to have time to get it in.
- Q You would like time would you? A Yes sir.

reasonable time will be allowed this applicant in which to furnish further proof in support of this application.

- Q Is there anything more you want to say? A No sir.

Examination by Attorney.

- Q Mrs. Bryant, has your information always been that you are a descendant of a Mississippi Choctaw Indian? A Yes sir, ever since I was a child, I have been told that.
- Q Has your information as regards your grandmother, Julia Diggs,

(6).

been that she was a Mississippi Choctaw? A Yes sir.
Q And born in Mississippi? A yes sir, that is the information I received.

By the Commission.

This applicant has the appearance and physical characteristics of being descended from Negro parentage. She has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with the provisions of article fourteen of the Treaty of 1830

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on February 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of February, 1902.

Subscribed and sworn to before me this 14 day of February, 1902.

Hal Belford
Carra Mitchell Wood
Notary Public.

Muskogee, Indian Territory, August 6, 1902,

Eula Bryant,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on the 6th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lizzie Collins, et al., embracing the following applications for identification as Mississippi Choctaws:

Lizzie Collins, et al., M C R 4693

Eula Bryant, et al., M C R 4694

These applications were made under the provisions of the act of Congress of June 28, 1896 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

B-2.

It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Louis Collins, Benjamin Collins, John Bryant, George Bryant, Robert Bryant, and the Ray Bryant as Chinook Indians entitled to rights in the Cheyenne lands under the provisions of said article fourteen of the Treaty of September twenty and thirty, and that the applications for their land allotments as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the matter to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Fame Kirby.
Acting Chairman.

Registered,

H.C.R. 4694,

COPY

Muskogee, Indian Territory, November 7, 1902.

Rule Bryant,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lizzie Collins, et al., of which decision you were advised by registered mail on the 6th day of August, 1902.

Respectfully,

APC

Acting Chairman.

No. 434

For Identification as a Mississippi Choctaw.

Date

Name Eula Bryant

Age 33 Blood 1/8

Post Office, Muskege, D. T.

Father: Mose Collins, ^{neg.} slave l.

Mother: Fizzie " slave l.

Claims through Mother

Husband Pearson Bryant, l. neg.
No claim for husband -

Children:

Orela Bryant, 9

Rose " 5

Ola May " 3

Claims for self &
children,

Stenographer Neal Beeford,

Choctaw MCR 4695

James W. Wheat

See MCR 4006

MCR 4695

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 13, 1902.

4695

In the matter of the application, of James W. Wheat for himself and his minor brother, Dumas Wheat, for identification as Mississippi Choctaws.

Applicants represented by attorney J. G. Ralls; no appearance.

James W. Wheat having been first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A James W. Wheat.
Q What is your age? A Twenty-three.
Q What is your post office address? A Sherman, Texas.
Q How long have you lived in Sherman? A About eighteen years.
Q Where did you live before that? A Van Alstine, Texas? A Yes, sir.
Q Were you born there? A Yes, sir.
Q What County, is that? A Grayson.
Q Your father is living? A Yes, sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A J. P. Wheat.
Q What was your mother's name? A Losero M. Wheat.
Q How do you spell that, A L-o-s-e-r-o?
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A About one-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.
Q Are you married? A Yes, sir.
Q What is the name of your wife? A Patsy Wheat.
Q Do you make any claim for her as having Choctaw blood? A No, sir.
Q That is has she any Choctaw blood? A No, sir.
Q White woman is she? A No answer.
Q Do you have any children? A No, sir.
Q Do you make application for any other person besides yourself? A A For my brother.
Q What is your brother's name? A Dumas Wheat.
Q How old is he? A Seventeen.
Q Is his father living? A Yes, sir.
Q His father is J. P. Wheat? A Yes, sir.
Q His mother is dead? A Yes, sir.
Q Her name was Losero M. Wheat? A Yes, sir.
Q You now want to make application for your minor brother as claiming through the same ancestor through whom you claim? A A Yes, sir.
Q The basis of his claim is the same as yours? A Yes, sir.
Q He claims through the same ancestor that you claim? A Yes, sir.
Q Where is he living now? A Sherman.
Q Texas? A Yes, sir; Sherman, Texas.
Q Where was he born? A In Sherman.
Q And always lived there? A Yes, sir.

#2

- Q There are no others that you care to make application for? A No sir.
- Q Is your name or the name of your brother on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or your brother, or has any one for you or for him, to the Choctaw tribal authorities in Indian Territory? A Not only just now.
- Q Have you ever made application for yourself or brother or anyone for you or for him for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A I don't know.
- Q You did not make application five years ago? A No, sir.
- Q Have you or has your brother ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and for the identification of your brother as a Mississippi Choctaws claiming under article fourteen of the treaty of eighteen hundred and thirty? A Yes, sir.
- Q Do you understand that article of that treaty? A Yes, sir.
- Q You have had that article explained to you? A I think so.
- Q Would you like to have it explained further? A Yes, sir.

The treaty of eighteen hundred and thirty was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th of September of that year. The object of that treaty was the removal of the Choctaw Indians from the old Choctaw Nation, East of the Mississippi River to the Choctaw Nation, Indian Territory, but, before the treaty was signed it became evident that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the provisions of that treaty preferring to stay there in the old Nation and in order to protect their interests some provision had to be made for them in the treaty otherwise it would not have been signed and so article fourteen was drafted and incorporated in the treaty and with that article in the treaty, the treaty was signed and afterwards on the 24th day of February 1831, it was ratified. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

#3

- Q You think you understand that? A Yes, sir.
- Q Do you know if any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty?
- A No, sir.
- Q What is the name of the ancestor through whom you claim the right for yourself and your brother Dumas Wheat, to be identified as Mississippi Choctaws, going back now as far as you can or at least to the ancestor through whom you claim who lived in Mississippi in 1830? A I don't know,---I claim through my mother.
- Q But, go back further, through whom does your mother claim; do you claim through Kaziah Thompson? A Yes, sir.
- Q What was her maiden name? A I don't know.
- Q Would you know if you heard it; if I should refresh your memory, would you remember? A I might, I heard them speak of it.
- Q Do you know whether she had a relative or sister through whom some of the applicants who have been here claimed? A I don't know.
- Q What relation was Kaziah Thompson to you? A I do not know that.
- Q Well don't you know whether she was an ancestor in a direct line back; don't you know whether she was a great grandmother or a great aunt? A She must have been something.
- Q What was she do you think; you are claiming your right to be identified through some ancestor from whom you are descended in a direct line; what relation was she to you if you know? A I don't know.
- Q Do you know if she lived in Mississippi in 1830 or not? A No, sir.
- Q You claim through Kaziah Thompson also for your brother Dumas Wheat? A Yes, sir.
- Q How much Choctaw blood did she have? A Kaziah Thompson?
- Q Yes? A One-eighth I suppose, I have forgot which; I don't know what it was.
- Q You claim through your mother do you not? A Yes, sir.
- Q How old would she be if living now? A I don't remember.
- Q Do you know when she died? A I don't know.
- Q You don't know how old she would be if living now? A No, sir.
- Q Would she be old or middle aged? A Pretty old.
- Q Was she born in Mississippi? A No answer.
- Q Can you tell of any ancestor of yours who had Choctaw blood and who ever lived in Mississippi or Alabama? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent, whose name was Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did you ever hear that any of your Choctaw ancestors went from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No, sir.
- Q Did they own or claim any lands in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of them own any land or claim any or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did any of them claim any benefits as Choctaw Indians under any other treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A I don't know.
- Q Where was your mother born is you know? A I don't know.
- Q Where did she live most of her life? A In Grayson County.
- Q Texas? A Yes, sir.
- Q Did she die there? A She was born in Texas and died in Grayson

County.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent, whose name was Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names, Colonel Ward, failed to put upon his list known as Ward's register and his neglect to do this caused a great many Indians who had land in Mississippi or Alabama to lose both their land and the improvements which they had upon that land; both were taken from them by the government and sold at the public land sales. This caused a great many complaints along the Choctaw Indians so that in 1837 Congress appointed a Commission which Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23rd of that year and this Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors Kaziah Thompson or any other went before either of these two Commissions and claimed benefits under article fourteen of the treaty of 1830? A No, sir.

The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of that treaty, if it also further appeared that he had had land in Mississippi which the government had taken from him and sold at public land sales that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your ancestors, who are also the ancestors of your brother Dumas Wheat ever receive any such scrip from the Government of the United States as Choctaw Indians? A I don't know.
Q You understand that these questions which are asked about the compliance of your ancestors with any of the provisions of article fourteen of the treaty of 1830 refer also to the ancestors of your brother Dumas Wheat? A Yes, sir.
Q Both claim from the same source? A Yes, sir.
Q Have you any documentary evidence you want to file now in support of this claim? A No, sir.
Q Do you want anytime in which to introduce further testimony or evidence in this case? A I don't know.
Q Have you any witnesses that you want to call. Do you wish to call your father to testify in this case? A Yes, sir.
Q Do you speak or understand the Choctaw language? A No, sir.

Witness excused.....

J. P. Wheat called as a witness in this case after being duly sworn testified as follows:

Examination by the Commission

- Q What is your full name? A J. P. Wheat.
Q You are the father of this applicant James W. Wheat? A Yes, sir.
Q And also of Dumas Wheat? A Yes, sir.

- Q Can you tell where your wife was born? A Yes, sir.
- Q Where was she born? A In Grayson County, Texas.
- Q What date? A On May 4th 1860.
- Q When and where did she die? A She died at Sherman, Grayson County, Texas, November 29, 1886. She would be about forty two years old if living now?
- Q Do you know whether any of her ancestors lived in the state of Mississippi or Alabama at any time? A Her mother came from Alabama; her father I believe was from Mississippi. They moved from Alabama to this Country.
- Q Do you know who the common ancestor is through whom these children claim? A They claim under Kaziah Thompson,--she was a Brashear I believe.
- Q Her name was Kaziah Brashear? A Yes, sire.
- Q That was her maiden name? A Yes, sir.
- Q What relation was she to James W. Wheat and to Dumas Wheat? A She would be their great-great grandmother I reckon.
- Q Great-great grandmother of your children? A Yes, I believe that is it.
- Q Can you trace the ancestry back from your wife to Kaziah Thompson? A I believe I can.
- Q Now she claims through which parent father or mother? A Her mother.
- Q What was her mother's maiden name? A Mary A. H. Dumas.
- Q Has she not been here to be identified as a Mississippi Choctaw? A No, sir.
- Q Mary A. E. Dumas claimed her Choctaw blood through which parent, father or mother? A Her father.
- Q What was her father's name? A Thompson.
- Q Full name? A I can't give you his full name.
- Q He claimed his Choctaw blood through whom, father or mother? A Through his mother.
- Q And his mother's name was what? A Kaziah Thompson.
- Q You think you have traced corrected from these children through to Kaziah Thompson? A I think so.
- Q How much Choctaw blood did Kaziah Thompson have? A I think they claimed about one-sixteenth, one eighth or one-fourth may be. I am not thoroughly satisfied on that.
- Q Did you ever hear that Kaziah Thompson lived in the state of Mississippi in the year 1830? A Well sir; Yes; I have heard it lately.
- Q Through whom did you hear that? A I heard that through some of the relatives that have been here.
- Q But you have not heard it until recently? A No, sir.
- Q Until this matter of making application for identification came up? A No sir; I never heard it before.
- Q Have you any knowledge of whether or not Kaziah Thompson complied with article fourteen of the treaty of 1830? A No, sir; I have not.
- Q Have you any knowledge of the fact that Kaziah Thompson lived in the states of Mississippi or Alabama and had a family there in eighteen hundred and thirty? A Only from hearsay.
- Q You are not able to state? A No, sir.
- Q Is there anything further that you would like to state in reference to this application made in behalf of your son James W. Wheat and his brother Dumas Wheat? A No, sir; I believe not.

Witness excused.....

James W. Wheat recalled testifies as follows:

46

This applicant has the appearance and physical characteristics of being descended from white parentage. Brown hair; medium fair complexion; blue eyes. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

- Q Have you any relatives who have appeared before this Commission who claim through the same ancestor through whom you claim?
Mawik Tasspent? A Yes, sir.
- Q Will you give their names? A Snelt Dumas, Louis Dumas, Bell Dumas.
- Q And a great many others whose names you do not recall? A Yes, sir.
- Q Do you want to have their testimony considered with yours? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 13, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

Subscribed and sworn to before me this 25 day of February 1902.

G. Rosenwinkel
Clara Mitchell Wood

Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4695.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

James W. Wheat,
Sherman, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lula K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollie, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309.
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al., —	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Misseniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrie M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Farris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Doughass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margaret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hattie H. Hendricks, Ruth Hendricks, Rabie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamson Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James D. Dumas

Chairman.

Registered.

MCR 4695

Muskogee, Indian Territory, January 22, 1906

James W. Wheat,
Sherman, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your brother as Mississippi Choctaws is a part.

Respectfully,

SIGNED *Tamm*

Commissioner.

For Identification as a Mississippi Choctaw.

Date

FEB 13 1902

Name

James W. Wheat.

Age

23

Blood 1/16

Post Office,

Sherman, Texas,

Father:

J. P. Wheat l.

Mother:

~~L. L. Rose~~ ^{L. L. Rose} M. Wheat d.

Claims through

- mother

wife.

Patey Wheat, l. w.

No claim for wife.

Children:

Brother.

Lumas Wheat, 17

Sherman, Texas.

Claims for self and
minor brother.

Stenographer

G. Rosemoniere.

Choctaw MCR 4696

Ivy A. Fowler

See MCR 4006

MCR 4696

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. February 13, 1902.

4696

In the matter of the application for identification as a
Mississippi Choctaw of Ivy A. Fowler.

J. G. Ralls attorney for applicant; No appearance by attorney.

Ivy A. Fowler having been first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Ivy A. Fowler.
Q What is your age? A Twenty-one.
Q What is your post office address? A Vernon, Texas.
Q How long have you lived at Vernon? A Just since the 20th of December.
Q Where did you live before that? A Sherman, Texas.
Q Were you born in Sherman? A No, sir; at Van Alstine, Texas.
Q You always lived in Texas? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A J. P. Wheat.
Q What was your mother's name? A Lesere M. Wheat.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Are you married? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q What is his name? A Clarke Fowler.
Q Do you make any claim for him as Having Choctaw blood? A No, sir.
Q If he has no Indian blood he must be a white man? A Yes, sir.
Q Do you make any application for any one besides yourself? A No, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q This is the first application you have ever made of any description for citizenship or for identification as a Mississippi Choctaw? A Yes, sir.

#2

- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A I did not until you explained it, to my brother.
- Q Do you want a further explanation of it? A No, sir; I don't think it is necessary.
- Q Without the explanation it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that now? A Yes, sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Kaziah Thompson.
- Q What was her maiden name? A Kaziah Brashear.
- Q How much Choctaw blood did she have? A I don't know.
- Q Did she live in Mississippi or Alabama? A I don't know anything about it.
- Q You don't know whether she lived in Mississippi in 1830 and had a family there at that time? A No, sir; I do not.
- Q You could not say how old she would be if living now? A No, sir.
- Q When and where she was born? A No, sir.
- Q And when and where she died? A No, sir.
- Q Did she or any one of your Choctaw ancestors to your knowledge own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, whose name was Colonel Ward, and tell him that they wanted to take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any or any improvements or any benefits of any kind under article fourteen of the treaty of 1830? A I don't know whether they did or not.
- Q Did they claim any land or any benefits of any kind in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under any treaty made between the government of the

United States and the Choctaw Indians other than the treaty of 1830? A I don't know.

According to the provisions of article fourteen of the treaty of Dancing Rabbit Creek, those Indians who remained in Mississippi after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward, who lived in Mississippi at that time, at his agency and signify to him their intention to remain in Mississippi, take land there and become citizens of the United States. A good many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do this caused a good many Indians who held land in Mississippi and Alabama, upon which they had improvements to lose them both, for both the land and the improvements were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians especially those who lost land and as the result of these complaints Congress appointed a Commission by act approved March 3rd, 1837. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose. This Commission also went to the state of Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits or rights as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842 provided; that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830; if it also further appeared that he had had land in Mississippi which the government had taken from him and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your ancestors ever receive any such scrip from the government as Choctaw Indians? A I don't know.
- Q Have you any evidence that you want to introduce now in support of this application? A I have none other than what is already. I have the same evidence that the other Dumas have.
- Q What are the names of some of the members of the Dumas family who are kin to you and who claim through the same common ancestor? A Scott S. Dumas, Louis Dumas, Mell Dumas, Bell L. Dumas.
- Q And others whose names you do not now recall? A Yes, sir.
- Q They all claim through Kasiyah Thompson? A Yes, sir.
- Q Do you want to have their records and yours considered together in order that all may come under the same common ancestor? A Yes, sir.
- Q Do you speak the Choctaw language? A No, sir.
- Q Is there anything further that you want to say in support of your application? A No, sir; I guess not.
- Q Would you like to call any witnesses? A No, sir.
- Q Would you like time in which to file further testimony or evidence in this case? A No, sir.

#4

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion; blue-grey eyes; brown hair. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 13, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

Subscribed and sworn to before me this 1st day of March 1902.

A handwritten signature in cursive script, appearing to read "Charles W. [illegible]".

Notary Public.

COPY.

COMMISSIONERS

TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4496.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

A. L. B. ONLY ONE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Ivy A. Fowler,
Vernon, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Diekey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rabie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas.

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(C. C. D.)

James P. Dancy

Chairman.

Registered.

MSM

REFER IN REPLY TO THE FOLLOWING

VCR 4696

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 22, 1906.

Ivy A Fowler,
Vernon, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw, is a part.

Respectfully,



Commissioner.

For Identification as a Mississippi Choctaw.

Date

FEB 13 1902

Name *Ivy C. Fowler.*

Age

21

Blood

1/16

Post Office,

Vernon, Texas.

Father:

J. S. Wheat,

C.

Mother:

Losero M. "

d.

Claims through

mother.

husband.

Clarke Fowler,

C. "

No claim for husband.

Children:

*Claims for self
alone.*

Stenographer

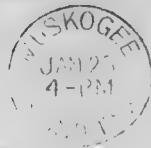
G. Rosemire



4696

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



TO WHOM IT MAY CONCERN
Unclaimed

RETURN TO WRITER

~~Rev. A. A. Miller,~~

~~Vernon, Texas.~~

Choctaw MCR 4697

Julian Phillips

See MCR 3656

MCR 4697

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 13, 1902.

4697

In the matter of the application for identification as Mississippi Choctaws of Julian Phillips for himself and his two minor children, Leela and Mackie Phillips.

Applicants not represented by attorney.

Julian Phillips being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Julian Phillips.
Q What is your age? A I am thirty-two.
Q What is your post office address? A Goodland.
Q Indian Territory? A Yes, sir.
Q How long have you lived at Goodland? A A little over two years.
Q Where were you born? A Alabama.
Q In what place in Alabama? A In Tuscaloosa County.
Q When did you leave that state? A Ten years ago, in ninety-two.
Q And went to what state? A From there to Tennessee and Kentucky and then down here in the Territory.
Q How long have you lived in the Territory? A A little more than two years.
Q Before that you lived in what state? A Alabama and went from there to Tennessee and then Kentucky.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A James Phillips.
Q What was your mother's name? A Nancy Elizabeth, it was E I am not certain about it being Elizabeth.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know; he holds land down there.
Q Has he ever made application to be identified as a Mississippi Choctaw? A Yes, sir.
Q At what date? A I don't know; it was at Atoka in the middle of last Summer.
Q Have you proof of the marriage of your father and mother with you? A No, sir; not with me.
Q Can you produce it later? A Yes, sir.

A reasonable time will be allowed for that purpose.

- Q Have you a wife living? A Yes, sir.
Q What is her name? A M. A.,--Mary Alice.
Q You don't claim any Choctaw blood for her? A No, sir.
Q White woman? A Yes, sir.
Q Have you children you want to make application for under twenty-one years of age and unmarried? A Yes, sir; I have two.

#2

- Q What is the name of the oldest? A Leola.
Q L-e-e-l-a? A Yes, sir.
Q How old is she? A She is a little more than nine years old.
Q What is the name of the next? A Mackie.
Q M-a-c-k-i-e? A Yes, sir.
Q Is that a boy? A No, sir; a girl.
Q How old is she? A She is nearly eight.
Q That is all the children? A That is all living; I have some dead.
Q You claim for yourself and two children? A Yes, sir.
Q When and where were you married? A In Alabama.
Q You remember the place and date? A I don't remember exactly the date.
Q Where in Alabama? A Molton.
Q Have you proof of your marriage? A No, sir; but I can get it.
Q You can introduce it later? A Yes, sir.

A reasonable time will be allowed for that purpose.

- Q Where was your father born? A I think he was born,--he was born in the Choctaw Nation in Mississippi.
Q In what year? A I think he is seventy-two or three; I don't remember just exactly.
Q Where did he go to from Mississippi? A To Tuskaloosa County, Alabama.
Q How long did he live there? A Until several years ago. He has been away from there several years.
Q He went from there to where? A Into Tennessee.
Q From Tennessee where? A To the Territory.
Q How long has he lived in the Territory? A I think it is about four years.
Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory for yourself and children? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission for the purpose of identifying yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A How is that?
Q Do you now come before the Commission for the purpose of identifying yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir; I don't know much about that.

The treaty of eighteen hundred and thirty was made between the United States government and the Choctaw Indians, who lived in the old Choctaw Nation in Mississippi and Alabama, at a place called Dancing Rabbit Creek on the twenty-seventh of September eighteen hundred and thirty and was made for the purpose of moving the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the

interests of those Indians who refused to go with the other Indians under the provisions of the treaty of eighteen hundred and thirty, article fourteen was put into that treaty; it was then signed on the twenty-seventh of September eighteen hundred and thirty and afterwards on the twenty-fourth day of February eighteen hundred and thirty-one it was ratified. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with the provisions of that article? A I could not say.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My father's name is James Phillips; I won't say what my grandfather's name was. He was dead long, long before I could recollect. I never seen him. I think we have the old Bible yet.
- Q You are not able to give the name of your Choctaw ancestor then through whom you claim the right to be identified as a Mississippi Choctaw? A No, sir.
- Q Now I want to know the name, if you can give it, or the relationship of the ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A He was my grandfather; he was a half-breed.
- Q But you are not able at this time to give his name? A No, sir.
- Q Was he your father's father? A Yes, sir.
- Q Your father was James Phillips who made application here a short time ago to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Did your grandfather, your father's father, live in Mississippi or Alabama? A Yes, sir; he moved from Mississippi to Alabama.
- Q Did he live there in the year 1830 in Mississippi? A I would have to say what I heard.
- Q You don't know whether your grandfather had a family in Mississippi or Alabama at that time? A In Mississippi from what father said.
- Q Do you know whether your father's father claimed through his father or his mother? A His mother was a full blood.
- Q Your great grandmother was a full blood? A Yes, sir; Now you see I am so young I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the year 1830? A That is my understanding.
- Q Through whom did you get that information? A From my father.

- Q Do you know who of your ancestors owned any improvements on land in Mississippi at that time? A It seems to me that father said that grandfather did, but I could not be positive.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent whose name was Colonel Ward, whose agency was in Mississippi and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I never heard it. that way.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory between 1838 and 1838 with the other Indians? A Go to the Territory?
- Q Yes; any of your ancestors? A No, sir; none of my ancestor's but some of his people.
- Q Your father did? A Not until a few years ago.
- Q Well he came did he not? A Yes, sir.
- Q He was born in Mississippi? A Yes, sir.
- Q And he now lives in the Indian Territory? A Yes, sir.
- Q When did he go? A I suppose it must have been about '98.
- Q And he is the only one of your ancestors who did go from Mississippi to the Indian Territory? A Yes, sir.
- Q Did any of your ancestors to your knowledge own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know what that article was; they claimed lands there before grandfather went to Alabama.
- Q vDid he buy it? A He held it among them.
- Q Do you know whether he bought it? A No, sir.
- Q But you don't know that he got that land under article fourteen or not? A No, sir.
- Q Did he claim any land in Mississippi or Alabama or own any under any other article of that treaty except article fourteen or under the supplement of that treaty? A Not that I know of.
- Q Did he ever claim any benefits as a Choctaw Indian under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A Not that I know of.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830, to go to the United States Indian Agent, who lived in Mississippi and who had an agency in that state and tell him that they wanted to stay in the state of Mississippi take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as Ward's register. The Agent's neglect to make a proper record of the names of all of the Choctaw Indians who came before him within six months after the ratification of the treaty of 1830 and complied with its provisions caused a good many Indians who held land in Mississippi, upon which they had improvements to lose them; both the land and the improvements were taken from them by the government and sold at the public land sales. This caused a great many complainant among the Choctaw Indians so that in 1837 by act approved March 3rd of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under act approved August 23 of that year, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23rd, 1842, provided; that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, and if it further appeared that he had had land in Mississippi which the government had taken from him and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate should be given him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the United States government as Choctaw Indians? A Not that I know of.
- Q Have any relatives of yours appeared before the Commission to be identified as Mississippi Choctaws except your father James Phillips? A Yes, sir; my brother, L. B. Phillips.
- Q Any others? A None that I know of.
- Q Would you like to have their records considered with yours in order that all might be consolidated under one head? A Yes, sir.
- Q Have you any proof that you want to introduce now? A Nothing only this; I brought this along to see if it was needed.

Sworn statement of James Phillips the father of this applicant, presented, received, marked exhibit "A" filed, and made a part of the record in this case.

- Q You spoke about your grandmother being old? A Yes, sir; she is more than one-hundred years old.
- Q Do you want to have time extended in which to furnish other evidence? A If it is needed I want time.

A reasonable time will be allowed this applicant in which to furnish further testimony if presented under the rules of the Commission.

- Q Do you speak the Choctaw language? A No, sir; I can speak it very little; only what I heard since I have been here.
- Q You don't speak it well enough to carry on a conversation with a Choctaw? A I work in a store and I can speak just enough to sell them things.

This applicant has the appearance and physical characteristics of being descended from white parentage; ruddy complexion; light hair; blue eyes. He does not speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 13, 1902, and that the above and foregoing is a

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full, true and correct transcript of his stenographic notes
in said cause on said date of February 1902.

Subscribed and sworn to before me this 1st day of March 1902.

Clara Mitchell Wood
Notary Public.

Miss. Choct. 4697

Muskogee, Indian Territory, March 15, 1902.

J. C. Kirkpatrick,

Hugo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the thirteenth instant, asking if Julian Phillips, formerly of Goodland, Indian Territory, is enrolled as a Mississippi Choctaw and entitled to share in the lands of the Choctaw Tribe when the same are allotted.

In reply to your letter you are advised that it appears from the records of our office that Julian Phillips is an applicant for the identification of himself and two minor children as Mississippi Choctaws, but no decision has yet been reached or opinion rendered relative to their rights as such Mississippi Choctaws.

The act of Congress of May 31, 1900, provides:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 4697.

Muskogee, Indian Territory, July 13, 1902

Julian Phillips,

Goodland, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Phillips, et al., embracing the following applications for identification as Mississippi Choctaws:

James Phillips,	M.C.R. 3456
Julian Phillips, et al.,	" 4697
Levi B. Phillips, et al.,	" 3659

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

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"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Phillips, Elian Phillips, Leola Phillips, Mackie Phillips, Levi B. Phillips, Clarence Phillips, Lela Phillips, Russell Sage Phillips and James Gordon Bennett Phillips, as Cheater Indians entitled to rights in the Cheater lands under the provisions of said article fourteen of the treaty of 1890, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

James Bixby
Acting Chairman.

Registered.

Muskogee, Indian Territory, March 30, 1903.

M. W. Johnson,
Post Office Box #175,
Hugo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you ask to be advised "if the name of Julian Phillips is registered as a Choctaw Indian."

In reply you are informed that it appears from our records that on February 13, 1902, Julian Phillips, thirty-two years of age, post office address Goodland, Indian Territory, made application to this Commission for the identification of himself and two minor children as Mississippi Choctaws. Said application being included in the consolidated Mississippi Choctaw case of James Phillips, et al.

On July 12, 1902, the Commission rendered its decision refusing the applications of the several persons included in said consolidated case, and on the same date the applicants were duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

On March 7, 1903, the Secretary of the Interior approved the decision of the Commission refusing said case, and on March 19,

H W J

1903, the several
such departmental
sioned.

Respectfully,

Chairman.

M. C. R. 4697

COPY

Muskogee, Indian Territory, March 19, 1903.

Julian Phillips,

Goodland, Indian Territory.

Dear Sir:

You are hereby notified that on the 7th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Phillips, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

James Birby.
Chairman.

For Identification as a Mississippi Choctaw.

Date

FEB 13 1902

Name Julian Phillips.

Age 32

Blood 1/8

Post Office, Goodland, I.T.

Father: James Phillips, A.

Mother: Nancy E. " d.

Claims through father
wife Mary A. Phillips, C. W.
Claims nothing for
wife.

Children:

Leola Phillips, 9

Maecie " F. 8

Claims for self &
children.

Stenographer G. Rosemeyer

Choctaw MCR 4698

George W. Ellis

See MCR 3800

MCR 4698

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 14, 1902.

4698

In the matter of the application for identification as Mississippi Choctaws of George W. Ellis, Senior, for himself and his three minor children, George W., Junior, Annie Louise, and Henry Ellis.

Applicants represented by attorney J. E. Arnold.

Gr
George W. Ellis, Junior being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A George W. Ellis, Senior.
Q What is your age? A I am fifty-seven.
Q What is your post office address? A Houston, Harris County, Texas. My address in Houston is 2107 San Jacinto street.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A George W. Ellis, Junior.
Q Your mother's name was what? A Martha Amildred.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A One-sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
Q When and where were your father and mother married? A In Mississippi.
Q What place in Mississippi? A Well the County where they was married, there has been a new County made there; I don't know whether it is in Tate County now.
Q What County was it when they married? A In DeSoto I think.
Q What date? A I don't know.
Q Have you their marriage license and certificate with you? A No, sir; I have sent for them.
Q You can produce it later? A Yes, sir; I think so.

A reasonable time will be allowed for that purpose.

- Qx How long have you lived at Houston? A Ever since 1865.
Q Where did you live before that? A I was in the Army for four years.
Q Where were you born? A In Mississippi.
Q What place in Mississippi? A In DeSoto County.
Q How long did you live in Mississippi? A From Forty-five to fifty-two.
Q And then you went where? A My father first located in Bastrop County, Texas.
Q You have lived in Texas since? A Yes, sir.
Q Was your father born in Mississippi? A No, sir; in Georgia.
Q When was he born in Georgia? A I could not give you the exact date but I think it was in 1826.
Q You remember where in Georgia he was born? A No, sir.

#2

- Q From Georgia he went where, Mississippi? A Yes, sir.
Q How long did he live in DeSoto County, Mississippi? A I don't know.
Q From there did he go to Bastrop County, Texas? A Yes, sir.
Q He died in Texas? A Yes, sir.
Q How old would he be if living now? A He died in fifty-seven and was born in twenty-six. I would not be positive now about that.
Q Have you a wife living? A I have.
Q What is her name? A Louisa.
Q You claim that she has any Choctaw blood? A No, sir.
Q She is a white woman? A Yes, sir.
Q You make any claim for her as a Choctaw Indian? A No, sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Yes, sir.
Q How many? A Three.
Q What is the name of the oldest? A George W., Junior.
Q How old is he? A nineteen.
Q What is the name of the next? A Annie Louise.
Q How old is she? A Sixteen.
Q What is the name of the next child? A Henry.
Q How old is he? A Thirteen.
Q You claim for yourself and these children do you? A Yes, sir.
Q Is Louisa Ellis the mother of these children? A Yes, sir.
Q These children live with you at your home? A Yes, sir.
Q Was she ever married before her marriage to you? A No, sir.
Q Were you ever married before your marriage to her? A No, sir.
Q Have you proof of your marriage to your wife with you? A No, sir.
Q Can you produce it later? A Yes, sir.

Q You will be allowed a reasonable time to-do that.

- Q When and where were you married? A In Harris County on the 29th of October, 1869.
Q Texas? A Yes, sir.
Q By a minister and under a license? A Yes, sir.
Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
Q Have you or these children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article of that treaty? A Not thoroughly.

The treaty of 1830, some times called the treaty of Dancing Rabbit Creek because it was made at a place of that name, in the state of Mississippi in 1830 on the 27th day of September of that year was a treaty, the principal object of which was the removal of the Choctaw Indians who lived in the old Choctaw Nation partly in Mississippi and partly in Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became known

that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory with the other Indians who removed under the provisions of the treaty of 1830 and in order to protect their interests article fourteen was drafted and put into the treaty of 1830. It was then signed, on the 27th of September of that year and afterwards on the 24th day of February 1831 it was ratified. The provisions of that article are as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that now? A I think so.
- Q Did any of your ancestors comply with the provisions of that article as read and explained to you? A I am not able to say.
- Q What is the name of your ancestor through whom you claim your right to be identified? A Sarah Booth.
- Q Did she live in Mississippi in 1830? A It is my information she did.
- Q Did she have a family there at that time? A Yes, sir.
- Q How much Choctaw blood did she have? A One-half.
- Q Do you know where she lived in Mississippi at that time? A I don't know.
- Q Did she speak the Choctaw language? A I don't know.
- Q Did she have a Choctaw Indian name to your knowledge? A Not that I know of.
- Q What relation was she to you? A My great grandmother.
- Q Do you claim through your father? A Yes, sir.
- Q And he used to live in Mississippi? A Yes, sir.
- Q Through whom did he claim; his father or mother? A On his father's side.
- Q And Sarah Booth was his father's mother? A My great grandfather married a Walker.
- Q Your great grandfather's name was what? A George W. Ellis.
- Q Her maiden name then was Sarah Booth? A I suppose it is.
- Q Well this is your great grandmother and as you claim through the male line she must have married an Ellis;----Well I don't know who Sarah Booth is, you have to straighten that out? A I have a letter here that will straighten it out.
- Q Your name is George W. Ellis? A Yes, sir.
- Q And you claim through your father George W. Ellis? A Yes, sir.
- Q He claims through his father or mother, which? A His father.
- Q What was his father's name? A George W. Ellis.
- Q And he claims through which parent father or mother? A Through his mother.
- Q What was his mother's maiden name? A That I could not tell you.
- Q Well there is an inconsistency in your statement here; you claim through your great grandmother; what was her name? A Sarah Booth was her maiden name, she married a Walker.

#4

- Q Do you know the given name of Walker? A I don't know.
- Q What proof have you that Sarah Walker, whose maiden name was Booth, lived in Mississippi in 1830 and had a family of children there at that time? A From an old lady named Mrs. Williams who appeared before the Commission at Meridian. Ada Williams I believe is her name.
- Q Did you get that information from anybody in the family? A From his aunt.
- Q What was that aunt's name? A Mrs. Jane Burford.
- Q Has she made application for identification as a Mississippi Choctaw? A She has through her son-in-law William J. Self.
- Q Where was that? A Meridian, Mississippi.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did you ever hear that any of your Choctaw ancestors left that old Choctaw Nation East of the Mississippi River and went to the Choctaw Nation Indian Territory between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did they own any land or claim any under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A I don't know.

The Indians who remained in the state of Mississippi, after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation Indian Territory with the other Indians under that treaty, were required, if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay there in the state of Mississippi, take land and wanted to become citizens of the United States. A good many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to make a proper record of the names of all Choctaw Indians who claimed under article fourteen and who went to him within six months from the ratification of the treaty and so declared their intention caused a good many Indians who had land in Mississippi, upon which they had improvements, to lose them, for both were taken from them and sold by the government at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837 by act of March 3, of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 by act approved August 23rd of that year Congress appointed another Commission for the same purpose.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A I don't know.

The act of Congress approved August 23, 1842, provided; that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek; if it also further appeared that he had had land in Mississippi which the government had taken from him and sold at its public land sales, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government lands and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.
- Q You never heard of it? A No, sir.
- Q Have you any relatives who have been here before the Commission to be identified as Mississippi Choctaws? A Not here but at Meridian.
- Q Before the Commission at Meridian? A Yes, sir.
- Q Now will you name them? A William J. Self, he was before the Commission in the interest of his children. He claims no Indian blood himself.
- Q Any others? A No, sir; I don't know of any others.
- Q That is all the relatives to have who have applied? A That is all I know of.
- Q Do you want to have their cases and this other case of relatives who have applied considered with yours when your record is taken up for consideration? A Yes, sir.
- Q Have you any evidence of any kind that you want to introduce now other than your own testimony? A No, sir.
- Q Do you want time in which to present other proof?

By attorney "Yes".

A reasonable time will be allowed this applicant in which to offer further evidence if presented under the rules of the Commission.

- Q Do you speak the Choctaw language? A No, sir.
- Q Is there anything more you want to say in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark ruddy complexion; dark brown hair and dark brown eyes. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

Subscribed and sworn to before me this 8 day of March 1902.

G. Rosenwinkel
Charles M. Fullwood
 Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 12th, 1902.

Additional
Testimony.
#4698.

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George W. Ellis, Sr., having been first duly sworn, testifies further in regard to his application for identification as a Mississippi Choctaw, M C R 4698, as follows:

L. P. Hudson attorney for applicant.

Examination by the Commission.

- Q What is your full name? A My name is George W. Ellis, Sr.
Q And your age is what? A My age is fifty-seven years old.
Q What is your post office address? A Houston, Texas.
Q 2109 San Jacinto Street? A Yes sir.
Q Do you want to give further testimony in reference to this application you have made to be identified as a Mississippi Choctaw? A Yes sir.

Examination by L. P. Hudson:

- Q Mr. Ellis, on page 3 of your examination before the Commission on February 14, 1902, you were asked the following question:
"Your great-grandfather's name was what? A George W. Ellis?
Q I will now ask you if that answer was correct? A No sir.
Q You were mistaken at the time you made that? A Yes sir.
Q Now please state what was your great-grandfather's name?
A Joshua J. Ellis.
Q Did you know at the time that you gave this testimony, the name of your great-grandfather or did you simply inadvertently give it wrong? A Inadvertently gave it wrong.
Q Was there any other mistake given in the testimony at that time?
A That's all I know of.
Q That's the only one you desire to correct at this time?
A Yes sir.

Applicant excused.

Applicant, George W. Ellis, Sr., being recalled, testified as follows:

#2.

Examination by attorney Hudson:

- Q When you were examined before the Commission on February 14, 1902, you stated that your father and mother were married in De Soto County, Mississippi; was that correct? A No sir.
- Q What county were they married in? A Marshall County.
- Q At the time you appeared, February 14, 1902, you were given time to furnish your marriage license between yourself and Louisa Ellis; have you that license now? A Yes sir.

Here attorney for applicant asks leave to file the marriage license of George W. Ellis and Miss Louisa Warren, and asks that the same be marked Exhibit "A" and made a part of the record in this case.

By the Commission:

Motion granted and said paper received, filed and marked Exhibit "A" in this case.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 12th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 21 day of May, 1902.

Charles H. Sawyer

Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 4698.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

George W. Ellis, Sr.,
Houston, Texas.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eayenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jeptha L. Walker, Charles L. Walker, Jeptha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jeptha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Tame Bixby.

Acting Chairman.

M.C.R. 4892.

COPY.

Muskogee, Indian Territory, July 29, 1903.

George W. Ellis, Sr.,
Houston, Texas.

Dear Sir:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge

No. 4698

For Identification as a Mississippi Choctaw.

Date FEB 14 1902

Name George W. Ellis, Sr.

Age 57 Blood 1/16

Post Office, Houston, Texas
(2107 San Jacinto St.)

Father: George W. Ellis, Jr. d

Mother: Martha A. " d

Claims through father
wife - Louisa Ellis, l. w.

No claim for wife.

Children:

George W. Ellis, Jr. 19

Annie L. " 16

Henry " 13

Claims for self and
children

Choctaw MCR 4699

Charley Moore

See MCR 1859

MCR 4699

4699

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 10, 1902.

In the matter of the application of Charley Moore for the identification of himself alone as a Mississippi Choctaw.

Charley Moore, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Charley Moore.
Q How old are you? A Twenty eight years old.
Q How much Choctaw blood have you? A I couldn't exactly tell you how much I has, as I can't tell you about my mother, and you can judge.
Q How much did your mother have? A My mother claimed to have three quarters, and my grand mother was whole.
Q Did your father have any Choctaw blood? A I don't know, sir.
Q You have three eighths, then, have you? A I guess so.
Q What's your post office address? A Waynesboro, Mississippi.
Q What county? A Wayne County.
Q How long have you lived in Wayne County? A I been living there about fifteen years now.
Q Where did you live before that? A In Choctaw Alabama.
Q Choctaw County, Alabama? A Yes, sir.
Q How long did you live there? A From the time I was about twelve years, I guess, I was quite a boy when we left there.
Q You were born there then? A Yes, sir.
Q Is your father living? A Yes, sir.
Q What's his name? A Solomon Moore.
Q Has he any Choctaw blood? A Not as I knows of.
Q Was he a slave? A Yes, sir.
Q Your mother living? A Yes, sir.
Q What's her name? A Julia Moore.
Q Has she been before the Commission? A Yes, sir.
Q When? A I guess it has been about, - Oh! since you all stayed here. She written for me to come; I was down in South Africa, and she wrote me to come home, and I didn't know what it was for.
Q About how old is your mother? A About sixty five years old.
Q Where does she live? A She lives in Waynesboro, Mississippi.
Q Where was she born A In Choctaw County, Alabama.
Q She lived in Alabama and Mississippi all her life? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q What was her father's name? A I don't know her father's name.
Q How much Choctaw blood did he have? A I don't know, sir.
Q What was your mother's mother's name? A Indian Betsey.
Q How much Choctaw blood did she have? A She was full.
Q How long has she been dead? A I couldn't tell you.
Q You never saw her, did you? A No, sir, I never saw her.
Q Do you know where she lived during her life time? A She lived in Choctaw County a while, and she died in Mobile, Alabama.
Q She was a slave? A Yes, something, I couldn't tell.
Q Are you married? A No, sir.

Charley Moore, 2.

Q Never have been married? A No, sir.

Q This application, then, is for yourself only is it? A Yes, sir.

Q Is your name, on any of the Choctaw tribal rolls in Indian Territory? A I don't know, sir.

Q Did you ever make any application of any description? A No, sir, I never have.

Q Before to-day, looking to the establishment of your rights as a Choctaw Indian? A No, sir, never have.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, sir, I don't know.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move out west of the Mississippi River to what is now known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave here, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in that treaty. That 14th article provided that upon certain conditions, a Choctaw who wanted to stay here in Mississippi, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you understand it? A Part of it.

Well, now, if a Choctaw who lived here seventy one years ago when this treaty was made, wanted to stay here in

Charley Moore, 3.

Mississippi and not move out to the new nation, and wanted to take land under the 14th article, he was required by the terms of that article to let the agent of the Government here in Mississippi know that he wanted to stay here and he must do that within six months from the time the treaty was ratified, and the treaty was ratified on the 24th day of February, 1831. Now, after he had so let the agent know that he wanted to stay here, he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner he was entitled to one-half that quantity for each unmarried child which was living with him over ten years of age, and a quarter section to such child as was under ten years of age, to adjoin the location of the parent. These reservations for each child must adjoin the location of the parent, and the reservations must include the improvement of the parent as it existed on the 27th day of September, 1830, the day the treaty was made. Now, if the Indian lived on that land intending to become citizens of the States for five years from the ratification of this treaty, five years from February 24, 1831, in that case a grant in fee simple should issue; that is, the Government would give the Indian a deed or patent to the land, and it became the property of the Indian. The 14th article provided further that persons who claimed under that article should not lose the privilege of a Choctaw citizen, but if he ever removed, that is, if he ever went out to the new nation west of the Mississippi, he should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Choctaws by the Government of the United States under treaty provisions

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever receive any benefits under that article? A No, sir.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A My grand father did, so I learned. I don't know.

Q Where did he own an improvement? A In Alabama; I don't know what part it was or anything.

Q What part of Alabama? A Lower edge of Choctaw County, adjoining Wilcox County.

Q Wasn't your grand father a slave? A I don't think he was; he was put into a slave; my mother said he was free one while, and he was bound down and took in, - taken in, and after he was taken in about six months, so I learn, he was killed; his name I don't know, at all.

Q Where was he living seventy one years ago? A Oh! I don't know exactly; I couldn't tell you, I might make a mistake.

Q You don't know what that improvement that he owned here seventy one years ago consisted of? A No, sir.

Q What makes you think he owned an improvement here seventy one years ago? A Because my uncle so told me.

Q When? A My uncle, he lives in Mobile.

Q When did he tell you that? A Five or six years ago. He has a son in this town now.

Q What was that uncle's name? A William Singleton.

Charley Moore, 4.

Q Is he a Choctaw? A Yes, sir.

Q Full brother of your mother? A Yes, sir.

Q Has he been up here? A No, sir, he hasn't been up here. I saw him when I was coming through.

Q Did any of your ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Yes, sir, - I don't know, sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was made, let the agent of the Government here in Mississippi know the Choctaws knew that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States? A No, sir.

Q Or any money from the Government? A No, sir.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

Q

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government, the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed ~~an act~~ certain acts between the years 1837 and 1842, providing for the appointment of commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they were entitled to land under article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissions were duly appointed by the President of the United States and the commissioners came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions, and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Sure of that, are you? A Yes, sir, I am sure to my best knowledge

Q You never heard of it, if they did? A No, sir.

An Act of Congress approved on the 23rd day of August,

Charley Moore, 5.

1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in the place of that land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A No, sir, not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir, I don't know.

Q Have you any written evidence of any description to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here in Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any brothers or sisters living? A Yes, sir.

Q How many? A Seven or eight.

Q Name them? A Jane Chambers, Hester Breadax.

Q Next one? A Aslene Harris.

Q Next? A Winnie Sexton.

Q Next? A Mollie Pettis, Allen Moore, Walter Moore.

Q That's all? A Yes, sir.

Q Any of your mother's brothers or sisters living? A No, sir.

Q Didn't you say one of her brothers was living in Mobile? A He is dead now; he died - I come through in September. William Singleton, he has a son here in Meridian by the name of William Singleton.

Q Are any other of his children living besides this one here in Meridian? A He has got one - yes, there is another one living, but I don't know his name. He had a boy by the name of Charley Singleton.

Q Did your mother ever have any other full brothers or sisters? A No, sir.

Q Do you speak or understand the Choctaw language? A No, sir.

Q Can your mother? A Yes, sir, she can understand it, but aint none of them can understand what she says.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

Charley Moore, 6.

R. S. Street, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 10th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Street

Subscribed and sworn to before me at Franks, Mississippi,
this 24th day of February, 1902,

L. B. Mosely
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *Smith*

Deputy.

COPY.

Muskogee, Indian Territory, January 2, 1903.

Charley Moore,

Waynesboro, Mississippi.

Dear Sir:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Julia Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Julia Moore,
Charley Moore,

M.C.R. 1859
M.C.R. 4699

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Julia Moore and Charley Moore as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

Charley Moore-3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tame Bixby.
Acting Chairman.

Registered.

W C R 4399

COPY:

Muskogee, Indian Territory, July 17, 1903.

Charley Moors,

Dear Sir:

You are hereby notified that on the 3rd day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Julia Moore et al., of which decision you were advised by registered mail on the 2nd day of January 1903.

Respectfully,

(SIGNED)

L. B. McCallister,
Commissioner in Charge.

Identification as a Mississippi Choctaw

Meridian Miss.

Date FEB 10 1902

Name

Charley Moore

Age 28

Blood $\frac{3}{8}$

Post Office, Waynesboro, Miss.

Father: Solomon Moore

Mother: Julia

$\frac{1}{4}$ L

Claims through mother

Class

Children:

mothers mother Indian & Selsey & b & s.

Stenographer

R. J. Strait.

Choctaw MCR 4700

John Rainbow

Sup. to MCR 1631

MCR 4700

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of John Rainbow, et al.,
for identification as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application of
John Rainbow, et al., for identification as Mississippi
Choctaws, M.C.R. 4700.

-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of John Rainbow, et al.,
for identification as Mississippi Choctaws, M.C.R. 4700.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of John Rainbow, et al.,
for identification as Mississippi Choctaws, M.C.R. 4700.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of John Rainbow, et al., to the Dawes Commission for identifi- cation as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of Bettie Rainbow for identifi- cation as a Mississippi Choctaw-----	7

-oOo-

4700

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 10, 1902.

In the matter of the application of John Rainbow for the identification of himself and his wife, Bettie, as Mississippi Choctaws.

John Rainbow, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A John Rainbow.
- Q How old are you? A I am about twenty three, I reckon.
- Q How much Choctaw blood have you? A My kin folks all tell me I am full blood Choctaw. I was little folks - I was raised up by myself my parents died when I was child, and I don't know anything about my Indian blood.
- Q What's your post office address? A Lexington, Holmes County, Mississippi.
- Q How long have you lived in Holmes County? A I been two years, I expect, along about that time.
- Q Where did you live before that? A Leake County.
- Q How long did you live in Leake County? A Three or four years.
- Q Where did you live before that? A In Utah, Alabama.
- Q How long did you stay there? A I stayed there seven years; seven or eight; I stayed there long time.
- Q Where did you stay before that? A I can't tell where I stayed; I didn't keep count, I don't know.
- Q Where were you born? A He tell him I was born in California.
- Q Who told you that? A That's what his folks say. My folks tell me I was born in California.
- Q How old were you when you came from California back here to Mississippi? A I don't know.
- Q Don't remember it? A No.
- Q Have you made Mississippi your home ever since you came back here?
- A Yes, I am a Indian doctor and have traveled about the country more or less, but have always called this my home.
- Q When did your father die? A I don't know; I aint never seed him.
- Q Do you know what his name was? A Yes.
- Q What was his name? A John.
- Q John what? A Rainbow.
- Q Now, was John Rainbow, your father, a full blood Choctaw?
- A Yes, he was chief at that time; that's what they tell him; that's what all say. I don't know - I little folks, I don't know nothing about only what he tell it.
- Q What was your mother's name? A Martha.
- Q Was she a full blood Choctaw? A Yes.
- Q How long has she been dead? A I don't know; I can't tell how long.
- Q Give us an idea? A I don't know how many years; I couldn't tell him; I don't know, but long time, pretty small boy.
- Q You are sure she was a full blood Choctaw? A Yes.
- Q Do you know the name of her father, or her mother? A No.
- Q Do you know the name of your father's father, or his mother? A No

John Rainbow, et al., 2.

didn't tell him, I reckon. I small folks - might tell him and I foreget him.

Q Where were your father and mother born? A I don't know anything about that.

Q Don't know anything about where they lived? A No.

Q You don't know anything about your grand parents? A No.

Q Are you sure your people were Choctaw Indians? A I reckon so. That's what he say; I don't know no more than what he say; I been with the Choctaws all the time.

Q Are you married? A Yes.

Q Your wife living? A Yes.

Q What's her name? A Bettie.

Q How old is she? A About twenty three.

Q Are you living with her now? A Yes, when I am there.

Q Were you married to her under a license? A Yes.

Q Have you that license with you to-day? A No, didn't think bring him; I didn't know much about him.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Bettie. This evidence should be furnished within thirty days from this date, if possible.

Q How much Choctaw blood has your wife? A One quarter.

Q Is your wife's father living? A Yes.

Q What's his name? A Solomon Leflore.

Q Is your wife's mother living? A She was when we come away.

Q What's her name? A Susan Leflore.

Q Your wife's father and her mother each have Choctaw blood? A Yes that's what he say.

Q One quarter each? A Yes.

Q Is the Solomon Leflore who appeared before the Commission just then before you applied, your wife's father? A Yes.

Q Do you know anything about your wife's old folks further back than Solomon Leflore? A I never asked him.

Q Have you any children? A No.

Q This application, then, is for yourself and wife? A Yes.

Q Is your name, or your wife's name, on any of the Choctaw tribal rolls in Indian Territory? A I don't know.

Q Did you ever make any application of any description for yourself or wife before to-day looking to the establishment of your rights as Choctaw Indians? A No.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and wife under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September 1830, over seventy one years ago, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and

John Rainbow, et al., 3.

along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of that treaty. Do you understand it? A Yes.

Q Did any of your ancestors, or any of your wife's ancestors, ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A I don't know.

Q Did any of them own an improvement here at that time? A I don't know.

Q Did any of them, in fact, live here then? Seventy one years ago? A I don't know nothing about it.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years, 1833 and 1838? A I don't know nothing about it.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A I don't know.

Q Did any of them ever get any land here in Mississippi from the Government of the United States under this 14th article of the treaty? A If they get it, they buyed it.

John Rainbow, et al., 4.

Q Did they under this 14th article? A I don't know; he never heard him say nothing about him.

Q If they ever got any land here in Mississippi from the Government you never heard of it, then? A No, never seen him get it.

Q Did any of them ever get any money from the Government? A I don't know what he done.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the ~~U.S.~~ Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors, or any of your wife's ancestors, appear before either of these commissions and attempt to establish their right under article 14 of the treaty of Dancing Rabbit Creek? A No, not before this time, I reckon.

Q Not that you know of? A No, I don't know nothing about him at that time.

An Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should ~~not~~ be entitled to receive in the place of that land certain land some place else here in Mississippi, or in Alabama, or Louisiana or Arkansas, from vacant Government lands, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors, ever get any of this scrip from the Government of the United States under this Act of Congress? A I reckon not.

John Rainbow, et al., 5.

Q So far as you know, then, none of your ancestors and none of your wife's ancestors, ever received any benefits as Choctaw Indians?

A No, he ne get him.

Q Do you know of any old person living who would likely know whether any of your ancestors, or any of your wife's ancestors, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know.

Q Have you any written evidence of any kind which ~~you~~would prove or tend to prove such a state of facts? Any papers, deeds, patents, or anything of that kind? A I don't know.

Q Haven't any such things? A I don't know.

Q Have you any witnesses here to-day? A No, I just raised up boy I don't know.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskegee, Indian Territory, and their testimony will be taken.

Q Have you any brothers or sisters living? A I got sister living.

Q Where does she live? A She live up in Nesheba.

Q What's her name? A Martha.

Q What other name? A I done forget the last name - he married; been long time.

Q That's all the sisters you have living? A Yes, just one.

Q Any brothers living? A No.

Q Any of your father's brothers or sisters or any of their children living? A I don't know.

Q Any of your mother's brothers or sisters, or any of their children living? A I don't know.

(From the appearance of this applicant, it would seem that Indian blood largely predominates; he speaks and understands the Choctaw language fairly well, and also speaks and understands English; his hair is perfectly straight. He looks as if he might have a small proportion of either white or negro blood, although he stoutly maintains that he is a full blood Choctaw.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the tenth day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Kohn Rainbow, et al., 6.

Subscribed and sworn to before me at Franks, Mississippi,
this 24th day of February, 1902.

L. R. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi.

By

Smith

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of John Rainbow, et al.,
for identification as Mississippi Choctaws, M.C.R. 4700.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on February 10, 1902, by John Rainbow for himself and his wife, Bettie Rainbow, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

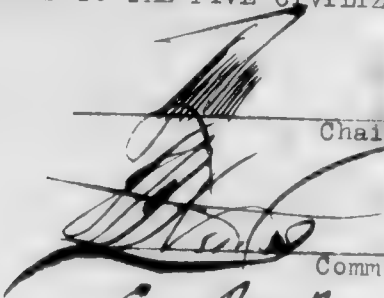
From the evidence submitted in support of said application it appears that John Rainbow is a full-blood Mississippi Choctaw Indian. The other applicant is a mixed-blood Choctaw, and as such does not come within the purview of section forty-one of the act of Congress approved July 1, 1902, (32 Stats., 641). Whatever rights as a Mississippi Choctaw she may possess by reason of being a mixed-blood Choctaw will be determined at a later date.


Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians, and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that John Rainbow should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JUL 16 1904

JUL 16 1904

COPY:

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of John Rainbow, et al., for identification as Mississippi Choctaws, M.C.R. 4700.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by John Rainbow for himself and his wife, Bettie Rainbow, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the records of the Commission it appears that the principal applicant, John Rainbow, who is a full-blood Mississippi Choctaw Indian, was, on July 16, 1904, duly identified as a Mississippi Choctaw, under the provisions of Section forty-one of the act of Congress approved July 1, 1902, (32 Stats., 641). The evidence herein shows that the other applicant is a mixed-blood Choctaw and

as such does not come within the purview of said section.

It also appears that Bettie Rainbow claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Solomon Leflore and Susan Leflore, both of whom are alleged to have been one-quarter blood Choctaw Indians.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw Citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), nor is the applicant herein a party litigant before the Choctaw-Chickasaw Citizenship Court created under the act of Congress approved July 1, 1902, (32 Stats., 641).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Solomon Leflore, or Susan Leflore signified (in person or by proxy) to Colonel Wm. Ward, Indian agent, Choctaw agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of

3.

Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pettie Rainbow, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Brownridge.

Commissioner.

Muskogee, Indian Territory.

SEP 16 1904

Miss. Choctaw R4700

Muskogee, Indian Territory, September 24, 1902.

John Rainbow,

Benton, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 19, giving certain names and asking that you be supplied with a copy of the paper of the Commission at your post office, and stating that you will pay for it upon receipt.

In reply to your letter you are advised that the persons named in your letter do not appear upon our records as applicants for identification as Mississippi Choctaws, and it is not known for what purpose the names are forwarded. If you will advise us why these names are forwarded, the matter of your letter will receive proper consideration.

The Commission does not edit any newspaper, and is unable to understand what you refer to in that part of your communication requesting that "our paper" be sent to your post office address C.O.D

Respectfully,

Acting Chairman.

Miss. Choctaw 4700.

Muskogee, Indian Territory, November 19, 1902.

Dinah Crawford,

Deasonville, Mississippi,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 14, relative to your rights as a Choctaw Indian. In reply you are advised that it does not appear from our records that you are an applicant to this Commission for identification as a Mississippi Choctaw, under the name of Dinah Crawford. If you are an applicant, kindly advise the Commission when, where, and under what name you made application, and the names of other members of your family who are also applicants. Upon receipt of this information your letter will receive further consideration.

You refer to the claim of Johnnie Rainbo, and you are advised that it appears from our records that he is a full blood Choctaw Indian and an applicant to this Commission for identification as a Mississippi Choctaw. The Commission has not yet passed upon his right to identification as a full blood Mississippi Choctaw.

Respectfully,

Acting Chairman.

M.C.R. 4700

COPY

Muskogee, Indian Territory, September 16, 1904.

Bettie Rainbow,

Lexington, Mississippi.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision, refusing your application for identification as a Mississippi Choctaw.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixby.
Chairman.

Registered.

COPY:

.C.R. 4700

Muskogee, Indian Territory, September 16, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered September 16, 1904, refusing the application for identification as a Mississippi Choctaw of Bettie Rainbow.

You are further advised that the applicant herein has been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Francis Dixby.

Chairman.

Incl. M.C.R. 4700.

M C R 4700

Muskogee, Indian Territory, October 3, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the Mississippi Choctaw case of John Rainbow, et al., including the decision of the Commission of September 16, 1904, refusing the application of Bettie Rainbow, an applicant in this case.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

You are further advised that on July 16, 1904 John Rainbow was identified by this Commission as a full blood Mississippi Choctaw, his name appearing upon a schedule of duly identified Mississippi Choctaws approved by the Secretary of the Interior on September 1, 1904, opposite number 2309.

Respectfully,

Through the

Commissioner of Indian Affairs.

Chairman.



M C R 4700

Muskogee, Indian Territory, October 25, 1904.

Bettie Rainbow,
Lexington, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 13th instant, stating that you do not understand the letter you received from this office notifying you that fifteen days would be allowed within which to file argument in support of your claim. You ask if there will be any use for you and Johnny Rainbow to come to the Indian Territory.

In reply you are informed that the purpose of our letter to you under date of September 16, 1904, was to notify you that the Commission had refused your application for identification as a Mississippi Choctaw and that the record in your case would be held for fifteen days in order that you might file written arguments, if you so desired, to be forwarded with the record to the Secretary of the Interior.

The record in your case, together with the decision of the Commission refusing your application was, on October 3, 1904, forwarded to the Secretary of the Interior and you will be notified of such action as may be taken by him, when this office is advised thereof.

You are further advised that it appears from our records

B R 2

that on July 16, 1904, the Commission rendered a decision identifying John Rainbow as a full blood Mississippi Choctaw, his name appearing upon a schedule of duly identified Mississippi Choctaws, opposite number 2309, approved by the Secretary of the Interior on September 1, 1904. In order for John Rainbow to avail himself of the benefits of such identification, it will be necessary that he remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1904, and proof of such settlement must be made at either the Choctaw or Chickasaw Land Office within one year from the date of his identification, July 16, 1904.

Respectfully,

Chairman.

C O P Y

Land.
69760-1904.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, December 3, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated October 3, 1904, transmitting the record of the application for identification as Mississippi Choctaws by John Rainbow for himself and his wife, Bettie Rainbow.

July 16, 1904, John Rainbow was duly identified by the Commission as a full-blood Choctaw Indian. September 16, 1904, the Commission decided adversely to the applicant, Bettie Rainbow.

It appears from the record that Bettie Rainbow claims rights in the Choctaw lands under article 14 of the treaty of Dancing Rabbit Creek by reason of being a descendant of Solomon and Susan Leflore, both of whom are alleged to have been one-quarter blood Choctaw Indians.

It further appears from the record, and from the records of this office, that the applicant has never been recognized, enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation, or by any United States tribunal nor is she a

party litigant before the Choctaw-Chickasaw Citizenship Court.

It does not appear from the record, or from the records of this office, relating to persons who complied, or attempted to comply, with the provisions of article 14 of the treaty of Dancing Rabbit Creek, and to persons who were heretofore claimants thereunder, that the said Solomon Leflore or Susan Leflore signified in person or by proxy to any person an intention to comply with the provisions of said article or presented a claim to rights thereunder or subsequent legislation.

In view of the record the approval of the Commission's decision adverse to Bettie Rainbow is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.W. (W)

C O P Y

DEPARTMENT OF THE INTERIOR, WCT
Washington. VHE.

I.T.D. 12268-1904.

December 7, 1904.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

October 3, 1904, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of John Rainbow and his wife Bettie Rainbow, including your decision of September 16, 1904, which was adverse to the applicant Bettie Rainbow, you having on July 16, 1904, duly identified John Rainbow as a full blood Choctaw Indian.

Reporting in the matter December 3, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

THOS RYAN

1 inclosure.

Acting Secretary.

M.C.R. 4700

COPY

Muskogee, Indian Territory, December 19, 1904.

Bettie Rainbow,

Lexington, Mississippi,

Dear Madam:

You are hereby notified that on the 7th day of December 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 16th day of September, 1904.

Respectfully,

(SIGNED),

Tame Bixby
Chairman.

COPY.

Muskogee, Indian Territory, December 19, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 7th day of December 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Battle Rainbow, a copy of which decision was mailed you on the 16th day of September, 1904.

Respectfully,

(SIGNED)

Jame Bixby

Chairman.

W. E. Stanley

COMMISSIONERS
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MAKER IN REPLY TO THE FOLLOWING

K.C.R.4700.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 4, 1903.

H. Van V. Smith,
Special Agent of the Government,
Meridian, Mississippi.

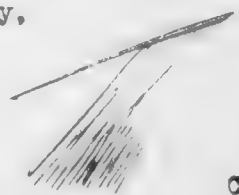
Dear Sir:

There is enclosed you herewith one copy of the testimony in the matter of the application of John Rainbow, of Lexington, Mississippi, for the identification of himself and wife as Mississippi Choctaws.

The principal applicant in this case fails to give any positive testimony as to his parents; and you are directed, if possible, to secure from John Rainbow or some other person or persons who have knowledge of this applicant, an affidavit, deposition or such other testimony as is procurable relative to the said ancestors.

If you are able to secure this evidence, please return the same, together with the record in the case, at the earliest practicable date, in order that a decision may be prepared.

Respectfully,



Chairman.

Enc.: K.C.R.4700.

Meridian, Mississippi, September 24, 1903

John Rainbow,

Lexington, Mississippi.

Dear Sir-

It appears from the records of the Commission that on February 10, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

Very respectfully,

File No. 23
M C R 4700

Special Agent.

Meridian, Mississippi, November 18, 1903?

John Rainbow,

Lexington, Mississippi.

Dear Sir-

Under date of September 24, 1903, the following letter was written to you:

It appears from the records of the Commission that on February 10, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W E STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 4700.

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, March 12, 1904.

John Rainbow,

Benton, Mississippi.

Dear Sir:

From the records of the Commission it appears that on February 10, 1902, you appeared before the Commission at Meridian, Mississippi, and made application for yourself, your wife, and minor child as Mississippi Choctaws.

You failed at that time to make any positive statement relative to your ancestors, and in order to supply this information there is enclosed herewith an affidavit in interrogatory form, which you are directed to have some person, other than yourself, who is fully acquainted with your parents, to take before some notary public and answer under oath the questions therein propounded, and return the same to this Commission at your earliest convenience, in the enclosed envelope, which requires no postage. This matter should receive your prompt attention for until such information is received no further action can be taken relative to your identification.

Respectfully,



Enc. JD 7
& Env.

Commissioner in Charge.

M.C.R. 4700

COPY.

Muskogee, Indian Territory, July 16, 1904.

John Rainbow,

Lexington, Mississippi,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying you as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, in order for the you to avail yourself of the benefits of such identification, you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Tamr Bixby.
Chairman.

Registered.

Incl. MCR 4700.

M.C.R. 4700

COPY.

Muskogee, Indian Territory, July 16, 1904.

Manafiled, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying John Rainbow as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen Days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicant as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein. If at the expiration of said time no protest has been filed, his name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tams Dixby.

Chairman.

Registered.

Incl. M.C.R. 4700

See M.C.R. 6507 for registry receipt for this letter.

COPY.

Muskogee, Indian Territory, July 16, 1904.

Dinah Crawford,

Deasonville, Mississippi,

Dear Madam:

You are hereby advised that the Commission to the Five Civilized Tribes, on July 16, 1904, rendered its decision identifying John Rainbow as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, in order for person so identified to avail himself of the benefits of such identification, he must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory,

Respectfully,

(SIGNED)

James Dixby.

Chairman.

M C R 4700

Muskogee, Indian Territory, August 17, 1904.

John Rainbow,
Lexington, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, relative to your removing to the Choctaw-Chickasaw country, Indian Territory.

In reply to your letter you are informed it appears from our records that on July 16, 1904, the Commission rendered a decision identifying you as a Mississippi Choctaw entitled to rights in the lands of the Choctaw and Chickasaw Nations.

It will be necessary that you remove to and settle in the Choctaw-Chickasaw country within six months from the date of your identification, and submit proof of such removal and settlement at either the Choctaw land office at Ateka, or the Chickasaw land office at Tishomingo, Indian Territory, within one year from July 16, 1904.

Respectfully,

Commissioner in Charge.

C O P Y

Land.
69760-1904.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, December 3, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated October 3, 1904, transmitting the record of the application for identification as Mississippi Choctaws by John Rainbow for himself and his wife, Bettie Rainbow.

July 16, 1904, John Rainbow was duly identified by the Commission as a full-blood Choctaw Indian. September 16, 1904, the Commission decided adversely to the applicant, Bettie Rainbow.

It appears from the record that Bettie Rainbow claims rights in the Choctaw lands under article 14 of the treaty of Dancing Rabbit Creek by reason of being a descendant of Solomon and Susan Leflore, both of whom are alleged to have been one-quarter blood Choctaw Indians.

It further appears from the record, and from the records of this office, that the applicant has never been recognized, enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation, or by any United States tribunal nor is she a

party litigant before the Choctaw-Chickasaw Citizenship Court.

It does not appear from the record, or from the records of this office, relating to persons who complied, or attempted to comply, with the provisions of article 14 of the treaty of Dancing Rabbit Creek, and to persons who were heretofore claimants thereunder, that the said Solomon Leflore or Susan Leflore signified in person or by proxy to any person an intention to comply with the provisions of said article or presented a claim to rights thereunder or subsequent legislation.

In view of the record the approval of the Commission's decision adverse to Bettie Rainbow is recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner.

M.M.M. (W)

C O P Y

DEPARTMENT OF THE INTERIOR,

WCT
FHA.

Washington.

I.T.D. 12268-1904.

December 7, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 3, 1904, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of John Rainbow and his wife Bettie Rainbow, including your decision of September 16, 1904, which was adverse to the applicant Bettie Rainbow, you having on July 16, 1904, duly identified John Rainbow as a full blood Choctaw Indian.

Reporting in the matter December 3, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

THOS RYAN

1 inclosure.

Acting Secretary.

C O P Y

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It further appears from the record, and from the records of this office, that the applicant has never been recognized, enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation, or by any United States tribunal nor is she a

party litigant before the Choctaw-Chickasaw Citizenship Court.

It does not appear from the record, or from the records of this office, relating to persons who complied, or attempted to comply, with the provisions of article 14 of the treaty of Dancing Rabbit Creek, and to persons who were heretofore claimants thereunder, that the said Salazar Leflore or Susan Leflore signified in person or by proxy to any person an intention to comply with the provisions of said article or presented a claim to rights thereunder or subsequent legislation.

In view of the record the approval of the Commission's decision adverse to Bettie Rainbow is recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner.

M.M.M. (W)

C O P Y

DEPARTMENT OF THE INTERIOR,

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It further appears from the record, and from the records of this office, that the applicant has never been recognized, enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation, or by any United States tribunal nor is she a

party litigant before the Choctaw-Chickasaw Citizenship Court.

It does not appear from the record, or from the records of this office, relating to persons who complied, or attempted to comply, with the provisions of article 14 of the treaty of Dancing Rabbit Creek, and to persons who were heretofore claimants thereunder, that the said Solomon Leflore or Susan Leflore signified in person or by proxy to any person an intention to comply with the provisions of said article or presented a claim to rights thereunder or subsequent legislation.

In view of the record the approval of the Commission's decision adverse to Bettie Rainbow is recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner.

M.M.M. (W)

1732

No.

4700

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date

FEB 10 1902

Name *John Rainbow*

Age *23*

Blood *full*

Post Office, *Lexington Miss.*

Father: *John Rainbow*

Mother: *Martha*

Claims through both parents.

wife

Bettie Rainbow

(14) 23

Father

Solomon Leffler

" 2

Mother

Susan

" 2

Children:

P. S. Streit

Stenographer

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBE.

FILED

MAY 25 1874

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4700

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Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

unknown

Return to Writer

John Rainey,
Benton, Mississippi

ADVERTISED

This envelope can only be used for reply to official communications. The address MUST NOT be changed.

RETURN PENALTY ENVELOPE.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

IND. TER.

Choctaw MCR 4701

Solomon Leflore

See MCR 1631

MCR 4701

4701

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 10, 1902.

In the matter of the application of Solomon Leflore for the identification of himself, his wife, Susan, and three minor children, Mary W., Luvertus and Martha, as Mississippi Choctaws.

Solomon Leflore, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Solomon Leflore.
- Q How old are you? A This coming March 16th, I will be sixty seven years old.
- Q How much Choctaw blood have you? A Well, I don't know about that; you knew the Leflores all of them; old Colonel Leflore's brother was my father - Jackson Leflore was my father.
- Q He had one-half Choctaw blood? A That's what they say.
- Q Was he a brother to Chief Greenwood Leflore? A Yes, sir, a brother to Greenwood and Basel there in the nation.
- Q Did your mother have any Choctaw blood? A I don't know about that.
- Q Were you a slave? A No, sir.
- Q Was your mother a slave? A No, sir, she went no slave; she was a slave after my father died.
- Q Then, you are one quarter Choctaw blood? A Yes, I reckon.
- Q What blood was your mother, now? A I don't know; she was a yellow woman.
- Q What's your post office address? A Lexington, Mississippi.
- Q What county? A Holmes.
- Q How long have you lived in Holmes County? A About twenty five years.
- Q Where did you live before that? A Up in Leake County.
- Q How long did you live there? A Lived there about twenty years.
- Q Where did you live before that? A I was bred and born in Carroll County, Mississippi; there's where my father died at, and then I went out to my uncles.
- Q You have lived in this State, then, all your life? A Yes, sir.
- Q What was your father's name? A Jackson Leflore.
- Q What was your mother's name? A Caroline.
- Q You get your Choctaw blood solely through your father, when you claim was a full brother of Chief Greenwood Leflore, therefore, had one-half Choctaw blood? A Yes, sir.
- Q Did your father live in this State all his life? A He moved out to the Territory.
- Q When? A Before I was born.
- Q How long before you were born? A I don't know, about --
- Q Did he move out there when the Indians moved out there in the latter part of the thirties? A Yes, sir, he moved out there the time they moved from up here.
- Q Well, how long did your father stay out there? A I don't think he stayed there but two years; got too sickly there for him and he come back;
- Q He stayed here the rest of his life, did he? A Yes, sir, he stayed two miles from Carrollton, on the other side.

Solomon Leflore, et al., 2.

- Q Did your father own any land here in Mississippi? A Yes, he owned that plantation up there.
- Q Where did he get it? A Bought it.
- Q Were your father and mother married? A That's what I don't know.
- Q Did your mother ever have any other children by Jackson Leflore?
- Q Yes, she's got two over in the nation now, and two here in Mississippi.
- Q Did he have a wife at the time of your birth? A No, sir.
- Q Did he ever have a white wife? A No.
- Q Was he ever married at all? A I don't know about that. You see, he died when I was ten years old.
- Q You don't know whether he and your mother ever lived together as man and wife? A No, sir, I don't know.
- Q What was Jackson's father's name? A Louie Leflore.
- Q He had no Choctaw blood, did he? A No.
- Q Louie Leflore? A I don't know that.
- Q What was Jackson's mother's name? A I don't know that, but she was a full blood Injun.
- Q Are you married? A Yes.
- Q What's your wife's name? A Susan.
- Q How old is Susan? A About forty.
- Q Do you want to make application for her too? A Yes, sir.
- Q How much Choctaw blood has she? A Her father was a half Injun.
- Q Her mother had no Choctaw blood? A No, sir.
- Q Was her father one-half Choctaw Indian? A Yes, sir.
- Q And that would make her one quarter, the same as you, wouldn't it? A Yes, sir.
- Q How long have you been living with her? A About thirty years, I reckon.
- Q She must be a little over forty years old; that would make her only ten years old when you married her? A I never kept account when I married or nothing.
- Q Were you married to her under a license? A Yes, sir.
- Q Have you that license with you? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Susan, for use in connection with the application you make in behalf of your minor children. This evidence should be furnished within thirty days from this date, if possible.

- Q Has Susan lived in this State all her life? A Yes.
- Q You are living with her now, are you? A Yes.
- Q Is her father living? A No, dead; her father 's over in the Nation, I couldn't tell whether he is dead or not.
- Q What was his name? A Francis.
- Q What other name? A Juxen.
- Q How much Choctaw blood did you say he had? A He is half blood.
- Q Was he a slave? A I reckon he was by him gwine over there.
- Q When did he go out there? A I don't know; been way yonder.
- Q Haven't you any idea? A No.
- Q Is your wife his youngest child? A I don't know about that.
- Q Is your wife's mother living? A I reckon she is.
- Q What was her name? A Mary.
- Q Was she a slave? A Yes.
- Q Was she married to Francis? A I don't know that neither.

Solomon Leflore, et al., 3.

- Q Does she live in the Territory? A No, she's living up here in Teake County, I think.
- Q Had no Choctaw blood? A No.
- Q Was your wife's father born in this country? A Yes, he was born in Atalla County.
- Q Do you know the name of his father or his mother? A I think his father - I heard them say - was Oen-on-tubbee.
- Q Will you swear that that was his name? A That's what I heard them say his name was.
- Q You never saw Oen-on-tubbee? A No, sir.
- Q Was he a full blood Choctaw? A They say he was a full blood.
- Q Did he live here in Mississippi all his life? A I don't know that.
- Q How many children have you living under twenty one years of age and unmarried? A Three.
- Q What are their names and ages? A Mary W.
- Q How old is Mary? A She is about fourteen, I believe.
- Q Next one? A Luvertus.
- Q That a boy or girl? A Girl.
- Q How old? A She's about eleven.
- Q Next one? A Martha.
- Q How old? A She's about seven.
- Q Is that all? A That's all.
- Q These children all living with you now? A Yes.
- Q Are they all the children of yourself and Susan Leflore? A Yes.
- Q This application is for yourself, wife and three minor children? A Yes.
- Q Is your name, or the name of your wife, or the name of either one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir, not as I know of.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe? A No, sir.
- Q Have you ever made any application of any description before to-day looking to the establishment of the rights of yourself, wife, and children, as Mississippi Choctaws? A Only I had a letter wrote down here last week to know was you all here.
- Q That' wasn't an application, of course? A That's all.
- Q Do you appear before the Commission here at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, that's over seventy one years ago, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, the Choctaws lived here in Mississippi, and

Solomon Leflore, et al., 4.

some of them were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi, might receive land here in Mississippi from the Government. It is as follows;

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That's the 14th article of the treaty of Dancing Rabbit Creek.

Q Do you understand that 14th article? A Yes, I know it.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits under that article? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not as I know of.

Q Did any of them, in fact, live here at that time; seventy one years ago? A Yes, sir, Oen-on-tubbee, used to live here, her father and his father too.

Q Did any of your ancestors live here then, seventy one years ago?

A My father used to live up here.

Q Where did he live? A The other side of Carrollton.

Q When the treaty was made? A Oh! when the treaty was made; I don't know; he was over seventy years old when he died, before the war.

Q Do you know where he was living when the treaty was made?

A No, I know when he went there in the nation.

Q Did any of your ancestors - your Choctaw ancestors - or any of your wife's Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, except your father, Jackson Leflore? A Not as I know of.

Q He is the only one that moved out there? A I don't know when he moved out there.

Q Did any of your ancestors, or any of your wife's ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land under that 14th article? A I don't know

Selemen Leflore, et al., 5.

that either.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know that neither.

Q Did any of them ever get any money from the Government?

A No, not as I know of.

Q Be far as you know, did any of your ancestors ever get any land from the Government, or any of your wife's ancestors? A No.

Q

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they were entitled to land under article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners came down here to Mississippi between the years 1832 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors, or any of your wife's ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q

An Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, he should be entitled to select in the place of that land, land some place else here in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors, ever get any of this scrip from the Government of the United States under this Act of Congress? A Not as I know of.

Q If, then, any of your people, or any of your wife's people, ever received any benefits whatever as Choctaw Indians, you have no

Somomen Leflore, et al., 6.

knowledge of that fact? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors, or any of your wife's ancestors, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know.

Q Do you know of any written evidence of any description which would prove or tend to prove such a State of facts? A No.

Q Have you any written evidence of any kind to offer? A No.

Q Have you any witnesses here to-day? A No.

Q Have you any children ever age or married? A I told you I had three married.

Q What are their names? A Nine Chisholm.

Q Where does she live? A She lives there with me.

Q Next one? A Bettie.

Q Bettie what? A Bettie Rainbow.

Q Kin to him? A His wife.

Q Where does she live? A They live there with me.

Q Next one? A Sallie Chisholm.

Q Does she live with you too? A Yes.

Q That's all the children you have living? A Yes, that's all. Got none dead.

Q Have you any brothers or sisters living in Mississippi? A Yes.

Q How many? A Two.

Q What are their names? A Mary Witt.

Q Where does she live? A She lives up here in Leake County.

Q Next one? A Dannie Leflore.

Q Where does he live? A He lives up there too.

Q Full brothers and sisters of yours, are they? A Yes.

Q Has your wife any brothers or sisters living in this State? A Yes she's got some.

Q What are their names? A Eliza.

Q Eliza what? A Ricley.

Q Next one? A That's all? A

Q Where does she live? A She lives up in Leake.

Q Has your wife any brothers or sisters dead who left children?

A I believe not.

Q Have you any brothers or sisters dead who left children? A No.

Q Give us the names of your father's brothers? A Greenwood Leflore, Bazel, Ben, Ferbus and Grant; that's his sister.

Q What was her full name? A Grant Leflore.

Q Oh! she married a Grant? A Yes.

Q What's her given name? A I don't know.

Q Next one? A Miss Long.

Q What was her given name? A That's all I know.

Q She married a Long? A Yes.

Q Is that all? A Yes, that's all.

Q Have you any brothers or sisters living in the Territory?

A Yes, I have got a sister living there, named Delia.

Q Delia what? A Delia Leflore, when she left.

Q Is she married? A I reckon.

Q Do you know her married name? A I don't know whether she is married or not.

Q Have you any brothers out there? A No.

Q Any further statements you want to make? A No, sir.

Q Do you speak or understand the Choctaw language? A No, I never learned it. I can understand what they say, though.

Solomon Leffers, et al., 7.

Official Interpreter, Oscar Billey, called, and it develops that this applicant understands a few Choctaw words, but cannot carry on a conversation in the Choctaw language. He has the appearance of being possessed of a small proportion of Indian blood. His hair is almost straight.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 10th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause, upon said date.

R. S. Streit
Subscribed and sworn to before me at Franks, Mississippi,
this 24th day of February, 1902.

L. B. Morley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

COPY.

M.C.R. 4701

Muskogee, Indian Territory, August 5, 1903.

Solomon Leflore,

Lexington, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of August, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel B. Long, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel B. Long, et al.	M.C.R. 1631
Lorense S. Long, et al.	M.C.R. 1667
Presley Groves, et al.	M.C.R. 2109
Nigmon Hutchins, et al.	M.C.R. 2130
Laura Peterson	M.C.R. 2154
Alpha Brantley, et al.	M.C.R. 2131
Iredell C. Groves	M.C.R. 2160
Lillie B. Gilbert, et al.	M.C.R. 2172
Mattie Leflore Johnson, et al.	M.C.R. 2114
Lewis A. Johnson, et al.	M.C.R. 2153
William G. Johnson, et al.	M.C.R. 2162
Mary M. Johnson	M.C.R. 2163
Rufus L. Johnson, Jr.	M.C.R. 2164
Sylvia A. Johnson	M.C.R. 2179
Minnie M. Thompson, et al.	M.C.R. 2180
Allen H. Moss, et al.	M.C.R. 2177
Charles M. Moss, et al.	M.C.R. 2178
Elijah L. Moss, et al.	M.C.R. 2184
Arabula Stokes, et al.	M.C.R. 3651
Solomon Leflore, et al.	M.C.R. 4701
William E. Marshall, et al.	M.C.R. 5009
James T. Marshall, et al.	M.C.R. 6117

Solemon Leflore, --2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel B. Long, Malcolm Long, Doc Ball, Halsey Ball, Percy Ball, Lorenzo B. Long, Olga Long, Matthews Long, Hinds Long, Presley Groves, Myrtle Groves, Wignen Hutchins, Orville Hutchins, Edna Hutchins, Clyde Hutchins, Emmette Hutchins, Frank Hutchins, Louie Hutchins, Jules Hutchins, Josephine Hutchins, Laura Petersen, Alpha Brantley, Colonel Brantley, Lucile Brantley, Elvie Brantley, Iredell C. Groves, Lillie B. Gilbert, Sir Walter Scott, George Darden Scott, John Sherrill Scott, Mattie Leflore Johnson, Rufus Barnett Johnson, Bennie Lewis Johnson, Irene Johnson, Lewis A. Johnson, Horace Johnson, Lewis Johnson, Rufus Johnson, William C. Johnson, Armie C. Johnson, Neva Johnson, Judith Johnson, Cauthen Leadbetter Johnson, William G. Johnson, Mary M. Johnson, Rufus L. Johnson, Jr., Sylvia A. Johnson, Minnie M. Thompson, Claude Thompson, Eunice Thompson, Zella Thompson, Jimmie Thompson, Allen H. Moss, Paul B. Moss, Charles M. Moss, Minnie Moss, Annie May Moss, Elijah L. Moss, Erin Moss, George Moss, Talmadge Moss, Kate Emma Moss, Arabula Stokes, Willie Alphonso Stokes, Ossie Ola Stokes, Arva Bertha Stokes, Ada Belle Stokes, Alice Bertie Stokes, Ella May Stokes, Solomon Leflore, Susan Leflore, Mary W. Leflore, Luvertus Leflore, Martha Leflore, William H. Marshall, Jonnie Evie Marshall, Lee Marshall, James T. Marshall, James P. Marshall, Mary E. Marshall, Eva E. Marshall, Johnnie T. Marshall, Clara Marshall and Ida Marshall, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

Solomon Leffers, --3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Registered.

MOR-4701

Muskogee, Indian Territory, February 20, 1907.

Solomon Lefflore,
Lexington, Mississippi.

Dear Sir:-

You are hereby notified that on February 13, 1907, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of August 5, 1903, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Samuel B. Long et al.

Respectfully,

Commissioner.

No. 2781

For Identification as a Mississippi Choctaw.
Meridian, Miss.

Date FEB 10 1902

Name: Solomon Leftore.

Age 66 Blood $\frac{1}{4}$

Post Office, Lexington, Miss.

Father: Jackson Leftore

Mother: Caroline

Claims through father

wife = Susan Leftore

($\frac{1}{4}$) 40

Father Francis Leftore

Mother Mary

wife claims through father

Children:

Mary W. Leftore ($\frac{1}{4}$) 14

Liveries " ($\frac{1}{4}$) (F) 11

Martha " ($\frac{1}{4}$) 7

~~Father of Jackson Leftore = Louis Leftore~~

Father of Francis Leftore = John

R. S. Street

Choctaw MCR 4702

Samuel H. Hunt

See MCR 5574

MCR 4702

4702

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 10, 1902.

In the matter of the application of Samuel H. Hunt for the identification of himself and six minor children, Oliver R., Henry D., Eddie F., Lelia E., Samuel D., and Susan F., as Mississippi Choctaws.

Samuel H. Hunt, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission:

- Q What is your name? A Samuel H. Hunt.
- Q How old are you? A I am thirty six years old.
- Q How much Choctaw blood have you? A You will have to help me to count that; my information is that my great grand father and mother claimed to be full Choctaws. That's my information; I don't know that to be a fact.
- Q If they were both full blood Choctaws, your grand mother would have been a full -? A And my mother a half breed, and that would bring me to one quarter? A
- Q What's your post office address? A Ivery, Mississippi.
- Q What County? A Prentice.
- Q How long have you lived in that County? A I was born in that County, and lived there until I was a right smart boy, seven years old, I reckon, and my father went to West Tennessee, and I have been back in the County ever since that time.
- Q Is your father living? A No, sir.
- Q What was his name? A Henson N. Hunt.
- Q Your mother living? A No, sir.
- Q What was her name? A Katie.
- Q You get your Choctaw blood solely through your mother? A Yes, sir, that's the way I understand it; that's the information I have. Of course, I don't know these things, only what I have been taught to believe.
- Q How long has your mother been dead? A My mother has been dead something near ten years, but the exact date aint in my memory at the present.
- Q How old was she when she died? A She was something about sixty years old; near sixty - in fifty eight, or nine.
- Q Where was she born? A She was born to my remembrance, in south Alabama.
- Q She lived in Alabama how long after her birth? A She lived there until she was married, I suppose; she was married when she was about sixteen.
- Q Do you know what county she lived in? A Why, I couldn't tell you positive, about Talladega Springs.
- Q Through which one of her parents did you say your mother got her Choctaw blood? A My information is that it came through her mother.
- Q What was her mother's name? A Her mother's name was said to be Ellen.

Samuel H. Hunt, et al., 2.

Q Ellen what? A Ellen Sakles, and she was married to John Myers.

Q How long has she been dead? A I have no knowledge of how long she has been dead.

Q According to your statement, she was a full blood Choctaw? A That's the understanding now.

Q Do you know where she was born and raised? A No, sir, I don't know where. All I know is about the year '40, - along in there, the old grand daddy and this grand mother of mine was at that time in South Carolina. I don't know where she was born.

Q Do you know how long they had lived in South Carolina at that time? A No, sir, I do not.

Q You know nothing of the family before that time? A No, sir, just only the information I have - family tradition - and witnesses who claim to have known them.

Q What information have you on the subject? A The information I have of it is that they knew my grand father and mother, and knowed my grand mother, and knowed they formerly lived in south Alabama, and that's the information I have, through what I heard my parents say that they lived there with the Indians, and left there going to the Territory with the Indians, but come into south Alabama and stopped there, and she died there, and left, I think, two or three or four children, and they was raised up there by the other connection. I don't know exactly who did raise my mother; might have heard her say, but don't remember it. I think her great uncle raised her.

Q You don't know where any of your ancestors were living in 1830, do you? A No, sir, I do not.

Q You don't know whether any of them were ever recognized members of the Choctaw tribe? A No, sir.

Q How did you get this information about your family? A Through an old lady who had known my family way back in the early days, and through an old gentleman who had information of the connection, and they emigrated on to this country, at least, this old lady did, years ago. He knew where the family was and all.

Q Are these people living now? A This old man and this old lady were living a few days ago.

Q What are their names? A This old woman's name is Cooper.

Q Full name? A I don't know whether I am going to tell you the full name or not.

Q Where does she live? A Right on the line of Tippah County and Prentice; I think she lives in Tippah County.

Q About how old is she? A She claims to be in ninety, or about ninety.

Q What's the name of the old man? A Lawrence Furtick.

Q Where does he live? A He lives in Prentice County.

Q How old is he? A He is right about seventy.

Q Why did you not bring these witnesses with you? A Well this old lady is too old and decrepid is one reason, the next reason is I wasn't able to pay her expenses here and neither is she, and this gentleman is affected with catarrhal affectations, and bad weather - and I was really unable to pay his way down here and bear his expenses, and he wasn't able to do so.

Q Are you married? A Yes, sir.

Q Is your wife living? A Yes, sir.

Q What's her name? A Her name is Caroline.

Q Has she any Choctaw blood? A No, sir, none that I have any knowledge of.

Samuel H. Hunt, et al., 3.

- Q You make no claim for her then? A No, sir.
Q Have you been married more than once? A No, sir.
Q Has she? A No, sir.
Q How many children have you living for whom you want to make application? A Six.
Q Give us their names again, and ages? A Oliver R., he is twelve years old.
Q Next one? A Henry D.
Q How old? A There is fifteen months difference between their ages.
Q About 11? A Yes, sir.
Q Next one? A Eddie F., he will be ten this coming spring.
Q Next one? A Lelia E.
Q How old? A She's seven years old.
Q Next one? A Samuel D.
Q How old? A He is five years old the 4th of this month.
Q Next one? A Susan F.
Q How old? A She was three years old in December.
Q These children all living with you at this time? A Yes, sir.
Q Are they all the children of yourself and Caroline Hunt? A Yes, sir.
Q This application, then, is for yourself and six minor children?
A Yes, sir.
Q Is your name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A I do not know; I couldn't find that out. No. I didn't understand you. No, sir.
Q Is this the first application of any description that has ever been made for you or any of these children, to any authority, looking to the establishment of your rights as Choctaw Indians? A As far as my knowledge - this is the first one.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek, for yourself and a six minor children? A Yes, sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A I think I understand it tolerable well; I suppose I understand the allotments and this annuity.
Q I will explain it to you again.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay

Samuel H. Hunt, et al., 4.

here in Mississippi might receive land here from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You think you understand it, do you? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A Now, I don't know that they did. I have said what I stated to you a while ago that my remembrance was that when they started from South Carolina, my grand father and mother, that their intention was to go to the Territory and establish their citizenship there; I don't think, well I know, they didn't get there, for my grand mother died.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty of Dancing Rabbit Creek was made? A If they did, I can't say so, for I don't know.

Q Did any of them live here at that time? A I couldn't say that they did.

Q Did any of them remove from the old Choctaw Nation, in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A If they did, I have no knowledge of it.

Q Did any of them, within six months, after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know that they did; not to my knowledge.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A If they did, it is not in my knowledge; I know nothing of any thing they ever received.

Q Did any of them ever receive any land here in Mississippi from the Government of the United States to your knowledge? A Not to my knowledge, no sir.

Q Any of them ever get any money from the Government? A Nothing that ever I knew of.

Samuel H. Hunt, et al., 5.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register and report to the Government the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A They never did; that's what I said a while ago about this grand mother. That's probably where they started, but never did reach here at the time she died.

Q Well, these commissioners were --? If they ever went before --

Q Were here in Mississippi, not in the Territory? A But I say that is probably where they started with the intention of going to the Territory; that's what I have always been told - their intention was to go to the Territory; it might have been to come here; I have no knowledge of it, but it was talked. I know if certain witnesses could be found, they would have no trouble about it.

Q You don't know whether any of them ever appeared before these commissioners? A No, sir.

An Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that this land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and

Samuel D. Hunt, et al., 6.

should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress?

A None that ever I know of. I have no knowledge of it. The information that I have is that they did not.

Q What makes you think they didn't? A Just because they always talked of going to the Territory and establishing their claims, is why I think they didn't. Not that I know of, at all.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A No, sir, I do not know positively what these two witnesses I had reference to would know in regard to that matter.

Q Do you know of any written evidence of any description which would prove or tend to prove such a State of facts? A No, sir, I don't know.

Q Have you any written evidence of any kind to offer at this time?

A None whatever.

Q Have you any witnesses here to-day? A No, sir, there are only two that I have any knowledge of.

Q Are there any further statements you want to make at this time?

A Nothing that I know of. I would like, if possible, to get the deposition of these witnesses.

If you should desire to have the testimony of these witnesses taken before the Commission, they may appear before the Commission here at Meridian, Mississippi, between now and the 15th of the month, or within a reasonable time there after at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken. If you should desire to have the depositions of the witnesses taken, you should proceed in accordance with the rules and regulations of the Commission covering the taking of depositions in these Mississippi Choctaw cases, a copy of which has already been furnished you.

Q Have you any brothers or sisters living? A Yes, sir, I have two brothers and three sisters.

Q What are their names? A My oldest brother living is John A Hunt.

Q Next one? A The next one is Hezekiah.

Q Where do they live? A The oldest brother lives in Collins County Texas; my next brother lives in Prentiss County, Mississippi.

Q What are the names of your sisters? A Virginia; she is married; Virginia Jumper.

Q Where does she live? A She lives in Prentiss County, Mississippi.

Q Next one? A Louisa Blagg.

Q Where does she live? A In Pontotoc County, Mississippi.

Q Next one? A Next one is Julia Alexander.

Q Where does she live? A She's in Prentiss County, Mississippi.

Q Next one? A That's all I think.

Q Have you any brothers or sisters dead who left children? A I have one brother dead that left children at the time of his death, but if there is any of them living now, I have no knowledge of it.

Samuel H. Hunt, et al., 7.

Q He is the only one of your brothers or sisters who left children?
A Yes, sir, the two little girls that were left are both dead.
Q Are there any of your mother's brothers or sisters, living?
A If they are, I have no knowledge of them.
Q Are any of the descendants of any of your mother's brothers or sisters living? A I suppose they are. Yes, there is some of the Windhams living in Prentiss County, Jack and Sim Windham.
Q They are children of your mother's sister? A Yes, sir.
Q Is that all of the children of your mother's brothers or sisters who are living that you know of? A That I know of, you say? There is some of them living in Texas I never saw at all, and some in Alabama that I have no knowledge of.
Q Are there any further statements you want to make at this time?
A No, sir.
Q You don't speak or understand the Choctaw language? A No, sir.
Q Did your mother? A No, sir.
Q Her mother? A I can't say about that.
Q What are the names of your great grand parents, the parents of Ellen Sakles? A Well, I understand it was always called uncle Fritz Sakles and Mary.
Q You don't know anything about them at all? A No, no, sir; never saw them at all.

(This applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 10th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Frank's, Mississippi, this 25th day of February, 1902.

L. B. Morley
Clerk U.S. Circuit Court,
Southern District of Mississippi.

By *[Signature]*

Deputy.

Miss. Choc. 4702,
4815, 4816, 4817,
4818.

Muskogee, Indian Territory, February 28, 1902.

Samuel H. Hunt,

Ivey, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 24, 1902, enclosing papers as follows:

Affidavit of Virginia Jumper and Samuel P. Jumper with interrogatories attached thereto to be propounded to Margaret Cooper in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as Mississippi Choctaws.

The affidavit of Samuel H. Hunt, Virginia Jumper, John W. Jumper, Heseekiah Hunt and William F. Hunt with interrogatories attached thereto to be propounded to John L. Aldridge in the matter of the applications of Samuel H. Hunt, Virginia Jumper, John William Jumper and Heseekiah B. Hunt and William F. Hunt for identification as Mississippi Choctaws.

Affidavit of Virginia Jumper and Samuel P. Jumper together with interrogatories attached thereto to be propounded to John L. Aldridge in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as Mississippi Choctaws.

The affidavit of Virginia Jumper and Samuel P. Jumper together with interrogatories attached thereto to be propounded to George Michael and Sam Windham in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as Mississippi Choctaws.

The affidavit of Virginia Jumper and Samuel P. Jumper together with interrogatories attached thereto to be propounded to Ned Jumper in the matter of the application of Virginia Jumper and Samuel P. Jumper for identification as Mississippi Choctaws.

Samuel H. Hunt 2

The affidavit of Samuel H. Hunt, Virginia Jumper, John W. Jumper, Heseekiah B. Hunt and William F. Hunt together with interrogatories attached thereto to be propounded to Margaret Cooper in the matter of the applications of Samuel H. Hunt, Virginia Jumper, John W. Jumper, Heseekiah B. Hunt and William F. Hunt for identification as Mississippi Choctaws.

Affidavit of Heseekiah B. Hunt with interrogatories attached thereto to be propounded to Willis Dollar and Elsett Hawkins in the matter of the application of Heseekiah B. Hunt for identification as Mississippi Choctaws

Certified copy of the marriage record between John W. Jumper and Almada Jumper.

Certified copy of the marriage record between J. W. Jumper and M. E. Colson.

Certified copy of the marriage record between W. F. Hunt and M. L. Caveness.

Certified copy of the marriage record between S. H. Hunt and S. E. McElroy.

The certified copies of the marriage records enclosed with the exception of the one between S. H. Hunt and Miss S. E. McElroy are in due form and have been filed and made a part of the records in the several applications to which they relate. The one between S. H. Hunt and S. E. McElroy is returned for the reason that it appears from the records in the application of Samuel H. Hunt that the name of the mother of the children for whom he makes application, is Caroline Hunt.

The affidavits and interrogatories thereto attached are herewith returned for the reason that the rules of the Commission regulating and governing the procedure in the taking and submission of depositions in support of applications for identification

Samuel H. Hunt 3

Mississippi Choctaws, require that the applicant must serve a copy of the interrogatories upon the opposing party or his attorney of record and must make proper proof of such service and this you have failed to do.

For your guidance you are informed that the opposing party in this case is the Choctaw and Chickasaw Nations that that their attorneys of record are Messrs Mansfield, McMurray & Cornish, South McAlester, Indian Territory, and that the only method in which proper service can be had on said parties is by sending a copy of the interrogatories to some party residing in South McAlester, and have him make personal service on Messrs Mansfield, McMurray & Cornish in accordance with Rule 13 of the Rules and Regulations above referred to, a copy of which is enclosed you herewith.

Yours truly,

Commissioner in Charge.

Enc Y 136

Muskogee, Indian Territory, March 11, 1902.

S. H. Hunt,

Ivy, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the seventh instant, in which you state that the Clerk made a mistake in your wife's name, and that the S. E. McElroy should have been S.C. McElroy. You are advised that upon the return of the marriage certificate with this correction of name, the same will receive proper consideration.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 4702

Muskogee, Indian Territory, April 3, 1902.

S. H. Hunt,

Ivey, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 26, inclosing certified copy of marriage certificate between S. H. Hunt and Miss S. C. McKelroy, offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been made a part of the record in your case.

You also wish to be advised how much time you have in which to work up your case, and whether you are required to appear and enroll before the Commission has acted upon your application for identification as a Mississippi Choctaw.

In reply thereto you are informed that it would be well for you to submit such evidence as you may desire to offer for consideration in your case as early as possible.

Relative to that part of your letter in which you inquire concerning enrollment, your attention is invited to the following provision of the act of Congress of May 31, 1900:

S. N. H. 2

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

But it is believed that the benefits of this legislation would not accrue to applicants until they have been identified as Mississippi Choctaws by the Commission.

Yours truly,

Commissioner in Charge.

M.O.B. 4702.

Muskogee, Indian Territory, December 4, 1902.

Samuel H. Hunt,

Jumpertown, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you ask if it will be safe for you to move to the Choctaw Nation and take land pending action of the Commission in your case.

In reply, you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself, and your minor children, as Mississippi Choctaws.

No opinion or decision has yet been reached in your case. As soon as a decision is rendered, you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

At the present time, yourself and minor children occupy the status of applicants for identification as Mississippi Choctaws whose right to such identification has in no manner been determined.

S H R 2

Relative to your moving to the Choctaw Nation and taking land, your attention is invited to the following provision of the act of Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1850, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that the benefits of this legislation will in any manner accrue to applicants until duly identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws entitled to allotment, and that you are not at this time entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 5, 1903.

Samuel H. Hunt,

Jumperto . Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4815
Hezekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nanoy Yocum, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5593
William C. Furtick, et al.	M.C.R. 5871
Tandy L. Caver	M.C.R. 5872
Thomas S. Smith, et al.	M.C.R. 5882
John E. Everett, et al.	M.C.R. 5883
Ella Lewis, et al.	M.C.R. 5884
Willie Drewry	M.C.R. 5885
Charles J. Smith	M.C.R. 5886
Mary Jones, et al.	M.C.R. 5898
Will Yocum	M.C.R. 5899
John Yocum	M.C.R. 5900
William W. Furtick	M.C.R. 6069
Jefferson D. Furtick, et al.	M.C.R. 6070
Frank M. Furtick, et al.	M.C.R. 6071

Sallie Dearing, et al.	M.C.R. 6072
Eliza Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 5587
George Jumper, et al.	M.C.R. 6236
Moses Jumper	M.C.R. 6237
Bettie Cheves, et al.	M.C.R. 6320
George A. Everett	M.C.R. 6321

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Hezekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Lebbie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James C. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Mahvin Jumper, William C. Furtick, Clara Furtick,

Samuel H. Hunt, —3

Sallie Furtick, Pot Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocum, John Yocum, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Elise Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm L. Hunt

Acting Chairman.

Registered.

MCR. 4762✓
MCR. 5576
MCR. 5884.

Muskogee, Indian Territory, January 12, 1907.

E. J. Gardner,
Shawnee, Oklahoma.

Dear Sir:-

Receipt is hereby acknowledged of your letter of December 28, 1906, giving the present post office address of Ella Lewis, Cassie Bates and Samuel H. Hunt, applicants in the consolidated Mississippi Choctaw case of Alice Gardner et al.

A proper record has been made of these addresses.

Respectfully,

Commissioner.

MCR-4706

Muskogee, Indian Territory, February 28, 1907.

Samuel H. Hunt,
Avery, Mississippi.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

#1734

No. 4702

For Identification as a Mississippi Choctaw.

Meridian, Miss. FEB 10 1902

Name Samuel Hunt -

Age 36 Blood 1/4

Post Office, Ivey, Miss.

Father: Benson N. Hunt d

Mother: Katie " S

Claims through mother
 wife Caroline Hunt S
 No claim for wife

Children:

Oliver R.	Hunt	12
Henry D.	"	11
Eddie F.	"	9
Lelia E.	"	7
Samuel B. D.	"	5
Susan F.	"	3

Scribner

R. A. Street

Choctaw MCR 4703

Mary E. Bass

MCR 4703

4703

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 10, 1902.

In the matter of the application of Mary E. Bass, for the identification of herself and four minor children, Cora, Myrtle, Isaac Houston, Levi Gaston and Zenena Wreath, as Mississippi Choctaws.

Mary E. Bass, having been first duly sworn, upon her oath states as follows:

Examination by the Commission.

- Q What is your name? A Mary E. Bass.
Q How old are you? A Forty seven.
Q How much Choctaw blood have you? A One-sixteenth.
Q What's your post office address? A Lumberton, Mississippi.
Q What county? A Marion County.
Q How long have you lived there? A Three years.
Q Where did you live before that? A In Marion.
Q How long have you lived in that county? A Twenty seven years.
Q Where did you live before that? A In Lawrence County.
Q This State? A Yes, sir.
Q How long did you live there? A I was born and raised there.
Q You have lived in this State, then, all your life? A Yes, sir.
Q Is your father living? A Yes, sir.
Q What's his name? A Abner James Wilkes.
Q Where did he live? A He lives in Lawrence County.
Q Is your mother living? A No, sir.
Q What was her name? A Elizabeth.
Q Through which one of your parents did you derive your Choctaw blood? A Father.
Q Has he been before the Commission? A No, sir.
Q What's his post office address? A Lee, Mississippi.
Q About how old is he? A He is sixty seven, will be sixty eight in May.
Q Has he lived in Mississippi all his life? A Yes, sir.
Q Were your father and mother lawfully married? A Yes, sir.
Q How many children have they? A Only three.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother. This evidence should be furnished within thirty days from this date, if possible.

- Q Through which one of his parents did your father get his Choctaw blood? A His mother.
Q What was her name? A Mary McNeese.
Q How long has she been dead? A She's been dead about five years, I think.
Q About how old was she at the time of her death? A She didn't know her exact age.
Q Considerably over eighty? A Yes, sir.
Q Did she live in this State all her life? A I don't know.

Mary E. Bass, et al., 2.

- Q Did you ever hear of her having lived any place else but in Mississippi? A Yes, sir, but she come from some other place.
- Q Where did she come from? A I really don't know, sir; I couldn't give much idea for I really don't know.
- Q You don't know of any other place, then, outside of Mississippi, that your grand mother lived? A No, sir.
- Q You don't know where she was born? A No, sir.
- Q Did she speak the Chectaw language? A No, sir, I think not.
- Q Does your father? A No, sir, I don't think he does.
- Q Do you? A No, sir.
- Q Through which one of her parents did Mary McNeese get her Chectaw blood? A Through her mother.
- Q What was her name? A Abbie Geesley McNeese, I think was her name.
- Q Did you ever see her? A No, sir.
- Q Where did she live? A I do not know, sir, she died before my recollection.
- Q You know nothing about her? A No, sir.
- Q According to your statement, she was one-half Chectaw? A I have always understood that my grand mother, Abbie, was a full blood Chectaw.
- Q You couldn't swear that she was a full blood? A No, sir.
- Q Are you married? A Yes, sir.
- Q What's your husband's name? A Isaac Bass.
- Q He has no Chectaw blood? A No, sir.
- Q You make no claim for him? A No, sir.
- Q Now, how many children have you living? A Eight in all, four under age.
- Q Give us the names and ages of those four who are under age, the eldest first? A Cera Myrtle. She's nineteen.
- Q Next one? A Isaac Houston.
- Q How old? A Fifteen.
- Q Next one? A Levi Gaston, thirteen.
- Q Next one? A Zenena Wreath, nine years.
- Q That's all, is it? A Yes, sir.
- Q Are these children all living with you now? A Yes, sir.
- Q They are all the children of yourself and Isaac Bass? A Yes, sir.
- Q This application, then, is for yourself and four minor children? A Yes, sir.
- Q Is your name, or the name of any one of these children, to be found upon any of the Chectaw tribal rolls in Indian Territory? A No, sir.
- Q Has any application of any description ever been made before to-day for yourself or any one of these children, looking to the establishment of your rights as Chectaw Indians? A No, sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Chectaw lands in Indian Territory for yourself and four minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

The treaty of Dancing Rabbit Creek, was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Chectaw tribe of Indians. At the time this treaty was made, the Chectaws

Mary E. Bass, et al., 3.

lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who wanted to stay here in Mississippi, and not move out to the new nation, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir, I guess, I do.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits thereunder?

A No, sir, not that I know of. Never received anything that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know, sir.

Q Did any of them ever ~~remain~~ live here at that time? A Yes, sir, I think so.

Q What one of your ancestors lived here seventy one years ago, when this treaty was made? A It was my great grand mother, I think.

Q She lived here seventy one years ago? A I think so. That's my recollection.

Q Do you know where she lived? A No, sir, I do not.

Q You refer to Abbie Goolsley? A Yes, sir.

Q Do you know whether she owned an improvement here at that time?

A No, sir, I don't know.

Q Was she a recognized member of the Choctaw tribe of Indians then?

Mary E. Bass, et al., 4.

A I do not know.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I couldn't tell.

Q Did any of them ever get any land here in Mississippi from the Government? A I don't know, sir.

Q Did any of them ever get any money from the Government? A If they did, I don't know of it.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir, not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and the commissioners came down here to Mississippi between the years 1837 and 1848, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Mary E. Bass, et al., 5.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?

A No, sir, not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Cr Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any witnesses here to-day? A No, sir.

Q

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here in Meridian, Mississippi, before the 15th of that month, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any written evidence of any kind to offer? A Yes, sir.

The affidavits of John H. McNeese, W.R. Williams, Winston Pace, Alex Pace and B.M. Gardner, are offered in evidence, identified as Exhibits A, B, C, D, and E, respectively, filed and made a part of the record in this case.

Q Is that all the written evidence you have to offer? A Yes, sir.

Q Are there any further statements you would like to make at this time? A No, sir.

Q What are the names of your children who are over twenty one years of age, or married? A Charley C. Bass.

Q Next one? A Mary E.

Q What's her married name? A She's not married. Ada Gay, she is married.

Q Next one? A Evan Ernest, our son, he has been here. Doctor C.C. Bass he was here last year.

Q Any others of your children been here? A No, sir.

Q Have you any brothers or sisters living? A Yes, sir, I have two brothers.

Q Full brothers? A Yes, sir, and one half sister.

Q What are the names of your full brothers? A Harris Wilks is my brother and Evan Wilks.

Q Have they been before the Commission? A No, sir, none of my brothers.

Q Has your half sister the same father as you have? A Yes, sir.

Q What's her name? A Lula Wilks.

Q Not married? A Yes, sir, she's married. Burkett.

Q Has she been before the Commission? A No, sir.

Q Have you any brothers or sisters dead who left children? A No, sir.

Q Are any of your father's brothers or sisters living? A He has no brothers living at all. One sister that we know of; don't know of but one.

Q Where does she live? A She lives in Covington County.

Q What's her name? A Susie Thurman.

Q Has she been before the Commission? A No, sir, not that I know of I think another used to live in Memphis, Tennessee, but I don't know.

Mary E. Bass, et al., 6.

- Q What's her name? A Eliza Terrell.
- Q Your father's sister? A Yes, sir.
- Q Has your father any brothers dead who left children? A Yes, sir, there's a very large family of them living.
- Q Where do the children live? A I couldn't tell where all of them live; there are a good many of them living in Marion County; some in Covington.
- Q What's the name of your father's eldest brother who left children? A John Wilks was the eldest.
- Q How many of his children are living? A I don't know; ten or twelve of them living.
- Q Name as many as you can of them? A There is Ira, Aoy, Zedie, Eliza and Susie; there are so many I don't remember their names.
- Q Have any of them been before the Commission? A No, sir, I don't think they have.
- Q What's the name of another one of your father's brothers who left children? A Pihk Wilks.
- Q How many of his children are living? A There's eight or ten of them.
- Q Name as many as you can remember? A Tom, Henry, Steve, Ben and Sam.
- Q Next? A Mollie, Virgil, Hattie.
- Q What's the name of another brother who left children? A Joseph Wilks; his family is in Texas.
- Q Do you know their names? A Yes, sir.
- Q What are their names? A Frank, Fountain, and Callie and Emma.
- Q What's the name of another one of your father's brothers who left children? A Henry.
- Q Name his children who are living? A Steve, I believe that's all of these living.
- Q Did your father ever have any other brothers who are now dead and who left children? A I believe that's all.
- Q Did he ever have any sisters who left children? A Yes, sir, but I don't know much about the ones that left children.
- Q What's the name of one of them? A Sarah Carter.
- Q Where does her family live? A They live in Marion, and part of them in Covington.
- Q What are the names of their children? Mary and Lucy and Albert, and Steve and John and Abner and Joe, I believe that's all I can name.
- Q Can you think of another one of your father's sisters who left children? A Nancy Banks, but I can't tell how many of her children, one is Mary and Walter, and several others but I don't know their names. Fannie, I believe, that's all I can name.
- Q What's the name of another one of your father's sisters who left children? A Jane Berry.
- Q What are the names of her children? A Abner, Lem, Scott, Fats Prentice and John.
- Q What's the name of another one of your father's sisters? A I believe that's all I can name.
- Q Any further statements you want to make? No, sir, not that I know of.

(This applicant has the appearance of being a white woman, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

Mary E. Bass, et al., 7.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 10th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Franks, Mississippi,
this 25th day of February, 1902.

L. B. Mosely

Clerk U.S. Circuit Court,
Southern District of Mississippi,

By

J. M. M. M.

Deputy.

Miss. Choc. 4703

Muskogee, Indian Territory, March 24, 1902.

Mrs. M. E. Pass,

Columbia, Mississippi,

Dear Madam:

Receipt is hereby acknowledged of your letter of the nineteenth instant, inclosing certified copy of marriage license and certificate between Albert J. Wilkes and Elisabeth A. Buckley, your father and mother, which you offer in support of your application for identification as a Mississippi Choctaw, and the same has been duly filed with the record in your case.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 4703

Muskogee, Indian Territory, October 25, 1902.

Mary E. Bass,

Columbia, Mississippi.

Dear Madam:

You are hereby advised that on the 25th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Stephen Oliver Berry, et al., embracing the following applications for identification as Mississippi Choctaws:

Stephen Oliver Berry, et al.,	M.C.R. 3406
Charles W. Berry, et al.,	M.C.R. 3407
Mary E. Bass, et al.,	M.C.R. 4703
Charles C. Bass,	M.C.R. 1945

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein, is insufficient to determine the identity of

Mary E. Bass-----2

Stephen Oliver Berry, Verna Berry, Ronnie Berry, Fred Berry, Charles P. Berry, Gressie May Berry, Velma Berry, Mary E. Bass, Cora Myrtle Bass, Isaac Houston Bass, Levi Gaston Bass, Zenona Wreath Bass and Charles C. Bass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

William H. Berry
Acting Chairman.

Registered.

M.C.R. 4708

Muskogee, Indian Territory, March 24, 1903.

Mary H. Bass,

Columbia, Mississippi.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Stephen Oliver Berry, et al., of which decision you were advised by registered mail on the 25th day of October, 1902.

Respectfully,

ESION:27

Willis D. Miller

Chairman.

1735

No.

4703

For Identification as a Mississippi Choctaw.

Meridian Miss

Date

FEB 10 1902

Name

Mary E. Bass

Age

47

Blood

1/16.

Post Office,

Lumberton Miss

Father:

Abner J. Wilkes L.

Mother:

Elizabeth S.

Claims through

husband

Isaac Bass

No claim for him.

Claim

Children:

Cora

Myrtle

Bass

19

Isaac Houston

"

15

Levi Gaston

"

13

Genona Wreath

"

9

Father mother

Mary

Abner Wilkes

R. B. Street

Mary E. Bass et al.

REFUSED

DECISION RENDERED. OCT 25 1902

NOTICE OF DECISION MAILED APPLICANT.

R. 4703 OCT 25 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

OCT 25 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 25 1902

RECORD FORWARDED DEPARTMENT.

NOV 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR. 14 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

REFER TO M. C. R

100

4/24/1902

2000 + 1000 = 3000

Choctaw MCR 4704

Emaline McFadden

See MCR 736, 739, 742

MCR 4704

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Emaline McFadden
for identification as a Mississippi Choctaw, consolidating the appli-
cations of

Emaline McFadden.....	M.C.R.	4704
John W. McFadden, et al.....	M.C.R.	736
Joseph M. McFadden, et al.....	M.C.R.	742
Samuel E. Gee.....	M.C.R.	739,

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Emaline McFadden.

Original application of Emaline McFadden
to the Dawes Commission for identification
as a Mississippi Choctaw.....1

Original application of John W. McFadden
to the Dawes Commission for identification
as a Mississippi Choctaw.....9

Original application of Joseph M. McFad-
den, et al., to the Dawes Commission for
identification as Mississippi Choctaws.....12

Original application of Samuel E. Gee by
John W. McFadden to the Dawes Commission
for identification as a Mississippi Choctaw.16

(2).

Decisions of the Commission denying the applications of Emaline McFadden, John W. McFadden, et al., Joseph M. McFadden et al., and Samuel E. Gee for identification as Mississippi Choctaws.....13

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4704

Department of the Interior,
Commission to the Five Civilized Tribes;
Meridian, Mississippi, February 10, 1902.

In the matter of the application of Emaline McFadden for the identification of herself as a Mississippi Choctaw.

Emaline McFadden, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Emaline McFadden.
- Q How old are you? A I was born in '23; you can count it.
- Q Seventy nine? A Yes, sir.
- Q What month were you born in? A December, 9th; I won't be seventy nine until next December.
- Q You are seventy eight now? A Yes, sir.
- Q How much Choctaw blood have you? A I don't hardly know; my grand father was a full blood, or mighty nigh, and my mother, she was half, and then I come in.
- Q One-quarter that would make you? A Yes, sir, that's right.
- Q What's your post office address? A Big Springs.
- Q What county? A Clay County.
- Q How long have you lived in Clay County, Mississippi? A Well, I have lived there about thirty seven years, and in Hinds County, and all right here. Been in Mississippi all the time.
- Q Lived here all your life? A Yes, sir, my grand father lived down here below, and he wouldn't go with the tribe, and he got a little claim; ma was down there and tried to get mine and hers too, and there was a white man by the name of Jack Thompson, and wouldn't let him have no land, and wouldn't give me none.
- Q Is your father living? A No, sir, he's dead; my mother's dead too.
- Q What was your father's name? A William Loggins; he was a white man.
- Q What was your mother's name? A Nancy Loggins. Her name was Nally.
- Q You get your Choctaw blood through your mother, as you have stated?
- A Yes, sir, get it right through my mother.
- Q How long has your mother been dead? A She's been dead about thirty four years; been dead a good while.
- Q She was a half blood Choctaw? A Yes, sir.
- Q Did she speak the Choctaw language? A Yes, sir.
- Q Are you sure of that? A Yes, sir; she could talk some; she didn't talk that way all the time.
- Q Can you speak the Choctaw language? A No, sir.
- Q Was your mother born in the State of Mississippi? A Yes, sir.
- Q And lived here all her life? A Lived here until about six years, I believe. Pa moved back to Alabama, and they lived there then; she wasn't satisfied because she wasn't with grand pa, and they moved back; I married while I was over there.
- Q Your mother got her Choctaw blood through her father? A Yes, sir.
- Q What was his name? A Joe Nally.
- Q Did you ever see him? A Yes, sir. Seen him from the time I could recollect.

Emaline McFadden, 2.

Q How long has he been dead? A Well, he was a very old man when the treaty was, and he has been dead, I reckon, about forty - thirty five or forty years, I disremember.

Q How long before your mother died, was it that her father, Joe Nally died? A He dies first.

Q How long first? A About ten years, I believe; I think mother lived ten years afterwards; I think that 's the way of it.

Q Was Joe Nally a full blood Choctaw? A Yes, sir.

Q Sure of that are you? A Yes, sir.

Q Did he have a Choctaw name? A They called him part of the time Joe, and Jose, and just anything, his people did; white people wouldn't have much to do with him; that's the reason ma never got ~~another~~ band, because she married a white man.

Q Your mother's mother was a white woman? A Yes, sir.

Q What was your mother's mother's name? A Elizabeth.

Q Was she lawfully married to this Indian, Joe Nally? A Yes, sir, now, you know I don't remember that.

Q How long did they live together as man and wife, do you know? A All their lives; until they died.

Q How many children did she have? A She never raised but five; five girls.

Q Did Joe Nally speak the Choctaw language? A Yes, sir.

Q Where was he born? A Born down here in Mississippi, below here somewhere; I think it was in Jasper County, and stayed there among his tribe, and wouldn't go away with them when the treaty was, never went, and stayed around.

Q He was a very old man when the treaty was made? A Tolerably old; now, I reckon he was about seventy; I expect he was from his looks and age; he has been dead a long time; if he had lived he would have been upwards of a hundred.

Q You are sure he was a full blood Choctaw Indian? A Yes, sir, I am. I wouldn't swear nothing I didn't know.

Q Did he associate with the white people or with the Indians? A He associated with the Indians the most of his time, for the white people wouldn't have nothing to do with him, and down here where he went to get his claim, and ma went to get hers and to get no some; he wouldn't go with the tribe when they went off, and he got him a little claim - he called it a claim, and built a little hut off a house on it, and when he was in that house, ma went to see him, and to get ours, and a white man by the name of Jack Thompson run him off of it, and give him an old kind of a house of a thing, and wouldn't give him a thing for the land; the old man just moved about about in Mississippi until he died; he died in Monroe County, in this State.

Q Do you know the name of either of his parents? A No, sir, I don't know the names of any.

Q Are you married? A I certainly am.

Q Is your husband living? A Yes, sir.

Q What's the name of your husband? A Elias McFadden.

Q Has he any Choctaw blood? A No, sir.

Q You make no claim for him, then? A No, sir, not a bit.

Q Have you any children under age? A No, sir.

Q This application is for yourself only? A Yes.

Q Have you ever made any application of any description before to-day looking to the establishment of your rights as a Choctaw Indian?

A No, sir, never did.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under

Enaline McFadden, 3.

article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A I don't understand it.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, over seventy one years ago, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from this country to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who wanted to stay here in Mississippi and not move out to the new nation, might receive land here in Mississippi from the Government. That 14th article is as follows: I am going to quote it to you just like it was put in this treaty seventy one years ago.

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you understand that 14th article now? A Yes, sir, I understand it very well.

Well, as I explained to you, this treaty referred to Choctaws who lived here seventy one years ago, this 14th article is a Choctaw who lived here seventy one years ago, when

Enoline McFadden, 4.

the treaty was made, didn't want to go out there to the new nation, but wanted to stay here and take land under article 14 of the treaty, he was required by that article to let the agent of the Government here in Mississippi for the Choctaws know within six months from the time the treaty was ratified - the treaty was ratified on the 23th day of February, 1831, that he did want to stay here and take land, and he was thereupon entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner was entitled to one-half that quantity for each unmarried child which was living with him over ten years of age on the 27th day of September, 1830, the day the treaty was made, and for each child under ten years of age at that time, he was entitled to 160 acres, or a quarter section. Now, if they lived on that land for five years from February 24, 1831, the day the treaty was ratified, in that case a Indian was entitled to a grant in fee simple that is, the Government would give him a deed or patent to the land, and he was entitled to it and could sell it at his own pleasure. That 14th article further provided that persons who claimed on that article should not lose the privilege of a Choctaw citizen, but if they ever removed, that is, if they ever went out to the new nation west of the Mississippi River, should not lose the privilege of a Choctaw citizen, but that they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Choctaws by the Government of the United States under treaty provisions.

Q Now, did any of your ancestors, old folks, or fore fathers, ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A Yes, grand pa tried to get land, and so did ma, but they wouldn't let him have none.

Q How did they try to do that? A I don't know; grand pa got a claim, and stayed there, I think - he didn't stay there more than six months and ma went down there and tried to get out land, and the white folks run them off.

Q Where was that? A Down below here in this State.

Q Do you know whether your grand father, within six months from the time the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws, his name was Colonel William Ward, know that he wanted to stay here and become a citizen of the States and take land? A I don't recollect about that, whether he did or not. He was always off and gone.

Q Did he own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A No.

Q That was when you were seven or eight years old?

A Yes.

Q Did he own an improvement here when this treaty was made? A Yes, sir, he did.

Q Where? A Well, he own one right down here I think in Jasper County and that's where they run him off.

Q No, you remember when the treaty was made, so you? A Yes, sir.

Emaline McPhaden, et al.5.

Q Remember that well, do you? A Yes, sir.

Q At that time where were you living? A Down here in Lowndes County, Mississippi. My father and mother lived there; lived there all their lives. Well, not exactly all their lives.

Q You were living in Lowndes County at that time? A Yes, sir.

Q Now, did your grand father own an improvement there in Lowndes County at that time? A No, sir, I don't think he did.

Q Did your father or mother own an improvement there at that time? A No, sir, nary one didn't own none.

Q Did your mother, or father, within six months from the time this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws at that time, Colonel William Ward, know that they wanted to stay here in Mississippi and become citizens of the States and take land under article 14 of the treaty? A No, sir, I don't think they owned any land.

Q Did they let the agent know they wanted to stay here; that's the point? A They did stay here in Mississippi; they come away from where that tribe was.

Q Now, that's a simple question, and I want you to say if you know, and if you don't, say you don't know. I want to know whether any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi, Colonel William Ward, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Now, none of your ancestors went out to the new nation west of the Mississippi River when the Choctaws moved out there? A No, sir, none of them.

Q Now, did your mother, or father for her, or your mother's father, or any other of your ancestors, ever get any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, only just that claim I was telling you about that grand pa settled on.

Q When was it he settled on that claim? A It was after the treaty. About six years, I reckon, or seven, along there somewhere, because I knew I was eight years old, and he moved off his little home down there, and went down below there, and told that he was going to live down there among them, and he went down there to get him a claim, and he made attempt and set him out a claim, and ma went down to get hers then and mine, and I think, I know she couldn't get it, and they told her she was married to a white man, and she couldn't get none.

Q Who told her that? A I don't know who told her.

Q You say you were about eight years old when your grand father went down there? A Yes, sir, I don't know how long he stayed.

Q It couldn't have been six years after the treaty when he went down there, for you were eight years old when the treaty was made?

Q I don't know; I was along there somewhere; I don't know exactly; I am telling you the truth; I don't recollect the very time he went, but I think that was the time. Because he has lived here and died in this State and so did my mother; they never did go to the new country.

Q Have any of them ever gotten any land any of your ancestors, ever gotten any land here in Mississippi from the Government that you know of? A No, sir, I don't know.

Q Did any of them ever get any money from the Government? A No, sir, they didn't.

Emaline McFadden, 6.

Q Did your grand father ever make any further effort to establish his rights to land here in Mississippi? A No.

Q Did your mother ever make any further efforts? A No, sir.

Q Do you know how he got that claim? A No, sir, I don't know how he got that claim.

Q Don't know anyth of the details about it at all? A No, sir.

Q You think it was in Jasper County? A That old Jack Thompson, I know well enough who took it away from him, he was a white man, a slave holder.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians that the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No.

Q Do you remember when these commissioners were down here, fifty or sixty years ago? A Yes, sir, but they didn't do it.

Q Do you remember where the commissioners held sessions? A No, sir just like they are now. They would go to so many places you can't keep up with them.

Q Do you remember the names of any of these commissioners?

A No, sir,

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place

Emaline McFadden, 7.

else in Mississippi, or Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir.

Q Are you sure of that? A Not as I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the Treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, they are all dead.

Q Do you know of any written evidence of any kind which would show or tend to show such a state of facts? A No, sir.

Q Have you any witnesses here to day? A No, sir, I aint got no witnesses here.

Q Have you any written evidence of any description to offer? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission, here at Veridian, Mississippi, at any time before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make? A No, sir I don't know that there is.

Q How many children have you living? A Seven.

Q What are their names? A Nancy Casselberry.

Q Next one? A John W. McFadden.

Q Next one? A James L. McFadden.

Q Next one? A Joseph Monroe.

Q Next one? A Mary Hazlewood.

Q Next one? A Sarah Elizabeth Bennett and Caroline Frances Graham.

Q Is that all? A All that's living.

Q How many of them have been before the Commission? A John W. McFadden and Monroe.

Q How many children have you dead? A Four.

Q Did any of them leave children? A Yes, sir.

Q How many? A One.

Q What's the name of the one who left children? A Martha Ann; I have got four dead - Laura Stringfellow.

Q Who alives where? A (No answer.)

Q What was Martha Ann's other name? A Goe.

Q How many of her children are living now? A All of them, well she had one dead; she has got three girls and four boys.

Q What are their names? A Ira Everett.

Q Next? A Mary Alice.

Q Next? A Winnie Lee.

Q Next one? A Sam G.

Q Now, what's the name of the children of Mrs. Stringfellow? A Frances, she is named after her mother.

Realine McEdden, 8.

Q Is she married? A She aint but ten years old.

Q Are any of these children married? A No, sir, aint none of them married.

Q Are any of your brothers or sisters living? A I don't know; I couldn't tell you. I haven't got any letters from them; some was in Texas and some in Alabama, and some one place and then another.

Q How long since you heard from them? A Its been a long time.

Q You don't know anything about them then? A No, sir, couldn't tell you nary thing about them; they haven't written to me. I have one sister, I believe in the Territory; she writes to my son there.

Q What's her name? A Frances Caroline Thompson.

Q Name your other brothers and sisters? A Well, I don't know whether they are all living or not.

Q Name those you think are living? A William Jasper Loggins.

Q Next? A James W. Loggins.

Q Next one? A John Wilton Loggins.

Q Next one? A Henry F. Loggins.

Q Next? A Wesley Loggins; that's my youngest brother, and I don't know nothing about none of them.

Q How many sisters did you have? A I had three.

Q You have given the name of one of the; what's the name of the other two? A Arlevia G. Arnold.

Q Next one? A She's dead; I can't tell you her name.

Q What was her name? A Sarah Elizabeth Powell.

Q

(This applicant has the appearance of being a white woman and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

W. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 10th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Franks, Mississippi, this 26th day of February, 1902.

L. B. Moody
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Chas.
R. L.
W. J. W.*

In the matter of the application of Emaline McFadden
et al., for identification as Mississippi Choctaws, consolidating the
applications of

Emaline McFadden.....	M.C.R.	4704
John W. McFadden, et al.....	M.C.R.	736
Joseph M. McFadden, et al.....	M.C.R.	742
Samuel E. Gee.....	M.C.R.	739.

--: D E C I S I O N :--

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this Commis-
sion by Emaline McFadden for herself; by John W. McFadden, for him-
self and his eight minor children, May Ette, William G., Robert E.,
Hattie Elvira, George W., Zackary T., John W. and Laura B. McFadden;
by Joseph M. McFadden for himself and his three minor nieces, Mary
Alice Gee, Minnie Gee and Laura Stringfellow; by John W. McFadden
for Samuel E. Gee, his minor nephew now serving in the United States
Army in the Philippine Islands; and by John W. McFadden for the

(2).

identification of his wife, Elvira J. McFadden, as an intermarried Mississippi Choctaw, under the following provision of the act of Congress approved June 28, 1893, (30 Stat., 495).

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants, or married to descendants of Joe (or Jess or Joseph) Nally who is alleged to have been a fullblood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or at-

(3).

tempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said (Joe (or Jose or Joseph) Hally, or ancestors less remote, or the principal applicant herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

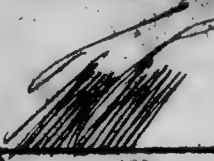
It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eualine McFadden, John W. McFadden, May Epte McFadden, William O. McFadden, Robert E. McFadden, Hattie Elvira McFadden, George W. McFadden, Zachary T. McFadden, John W. McFadden (2), Laura B. McFadden, Joseph M. McFadden, Mary Alice Gee, Minnie Gee, Laura Stringfellow and Samuel E. Gee as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.


It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application

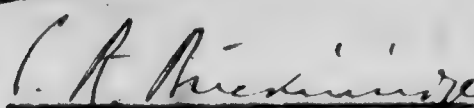
(4).

made by John W. McFadden for the identification of his wife, Elvira J. McFadden, as an intermarried Mississippian Chetaw, should, therefore, be refused, and it is so ordered:

THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES,



ACTING COMMISSIONER


ASSISTANT COMMISSIONER


C. A. Richardson

Muskogee, Indian Territory,

JUL 13 1902

M.C.R.4704.

Muskegee, Indian Territory, July 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Emaline McFadden, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the commission of July 18th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Emaline McFadden,	M.C.R. 4704
John W. McFadden, et al.,	M.C.R. 736
Joseph M. McFadden, et al.,	M.C.R. 742
Samuel E. Gee,	M.C.R. 739

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Commissioner of Indian Affairs.

1 inclosure.

(SIGNED)

James D. Doby.

Acting Chairman.

COPY

M.C.R. 4704.

Muskogee, Indian Territory, July 18, 1902.

Emaline McFadden,

Big Springs, Mississippi.

Dear Madam:

You are hereby advised that on the 18th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emaline McFadden, et al., embracing the following applications for identification as Mississippi

Choctaws:

Emaline McFadden,	M.C.R. 4704
John W. McFadden, et al.,	M.C.R. 736
Joseph M. McFadden et al.,	M.C.R. 742
Samuel E. Gee,	M.C.R. 759

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witness, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emaline McFadden, John W. McFadden, May Ette McFadden, William O. McFadden, Robert E. McFadden, Hattie Elvira McFadden, George W. McFadden, Zackary T. McFadden, John W. McFadden (2), Laura B. McFadden, Joseph M. McFadden, Mary Alice Gee, Minnie Gee, Laura Stringfellow, and Samuel E. Gee as Choctaw Indians

entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John W. McFadden for the identification of his wife, Elvira J. McFadden, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tamm Birby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, July 18, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emaline McFadden, et al., embracing the following applications for identification as Mississippi Choctaws:

Emaline McFadden,	M.C.R. 4704
John W. McFadden, et al.,	M.C.R. 736
Joseph M. McFadden, et al.,	M.C.R. 742
Samuel E. Gee,	M.C.R. 739

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emaline McFadden, John W. McFadden, May Ette McFadden, William O. McFadden, Robert E. McFadden, Hattie Elvira McFadden, George W. McFadden, Zackary T. McFadden, John W. McFadden (2), Laura B. McFadden, Joseph W. McFadden, Mary Alice Gee, Minnie Gee, Laura Stringfellow and Samuel E. Gee as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of

said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John W. McFadden for the identification of his wife, Elvira J. McFadden, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

Tamc Birby

Acting Chairman

Land.
43282--1902.

--C O P Y--

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, Aug. 7, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated July 18, 1902, forwarding for the Department's consideration the consolidated case of Emaline McFadden, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830.

Emaline McFadden applies for the identification of herself; John W. McFadden for the identification of himself and his minor children May Ette, William O., Robert E., Hattie Elvira, George W., Zachary T., John W. and Laura B. McFadden; Joseph M. McFadden applies for the identification of himself and his three nieces, Alice Gee, Minnie Gee and Laura Stringfellow; John W. McFadden also applies for the identification of his nephew Samuel E. Gee, who is now serving in the United States Army in the Philippines, and for the identification of his wife Elvira J. McFadden as

an intermarried Mississippi Choctaw.

July 18, 1902, the Commission held that the parties above named were not entitled to identification as Mississippi Choctaws.

The record in the case shows that the applicants attempt to trace descent from Joe, Jose or Joseph Nally who was the father of Nancy Loggins nee Nally, mother of principal applicant, John McFadden. William Loggins, father of said principal applicant and husband of Nancy Loggins, was a white man.

The records of this office do not show that anyone by the name of Loggins or by the name of Nally complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they or either of them applied to the commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of any rights they may have had.

By Department letter of August 1, 1902, the office is in receipt of a communication from F. G. Barry, of West Point, Mississippi, dated July 28, 1902, enclosing a "petition of John J. McFadden, of Griffith, Clay County, Mississippi, for a rehearing" in the consolidated Mississippi Choctaw case of Emaline McFadden, et al.

The office has considered Mr. Barry's application and enclosures and his principal ground of complaint seems to be based

on the fact that he did not get in as a part of the evidence in said case certain questions and answers which he desired to have propounded to Elias Alexander McFadden, of Big Springs, Clay Co., Mississippi.

Inasmuch as the alleged original ancestor named does not appear on the records of this office as a person who complied, or attempted to comply with the provisions of the 14th article of the treaty of 1830 or applied to the commissions appointed under the acts last above mentioned for an adjudication of his rights, the office does not see that the evidence sought to be introduced would be of any benefit to the applicants.

It is therefore respectfully recommended that the decision of the commission rejecting the applicants be approved.

Very respectfully,

Your obedient servant,

(Signed) A. C. Tonner,

Acting Commissioner.

(G.A.W.)

P.

D.C. 13616-1902.

49504

J. W. H.

F. H. E.

DEPARTMENT OF THE INTERIOR.

Washington, August 18, 1902.

I.T.D. 4864-1902.

File 896-98.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 18, 1902, you transmitted the record in the consolidated case (M.C.R. 4704), embracing the applications for identification as Mississippi Choctaws of Emaline McFadden for herself; of John W. McFadden for himself and his eight minor children, May Ette, William O., Robert M., Hattie Elvira, George W., Zachary T., John W., and Laura B. McFadden; of Joseph M. McFadden for himself and his three nieces, Alice Gee, Minnie Gee and Laura Stringfellow, and his nephew Samuel E. Gee, also for his wife Elvira J. McFadden, together with your decision of July 18, 1902, refusing to enroll the applicants.

In a letter dated July 28, 1902, addressed to the Department, F. G. Barry, as attorney for petitioner, writes:

"I inclose herewith petition of J. W. McFadden, of Griffith, Clay County, Mississippi, for a re-hearing in this case, as an applicant for identification and share in the allotment of the tribe of Choctaw Indians."

Said petition was accompanied by an affidavit, signed by Elias A. McFadden. Reference to same will be hereinafter made.

The applicant, Emaline McFadden, was born about 1823. The other applicants are her children and grand children. She traces her descent through her mother, Nancy Loggins, nee Nally, to her grand-father, Joe (or Jose or Joseph), Nally, an alleged full blood Choctaw Indian. The testimony tends to show that she was living with her said parents in Mississippi in 1830. It appears that her father attempted to acquire land, presumably under the treaty of 1830, as shown by her statement, made February 10, 1902 (See page 2 of the record), which is as follows:

"He associated with the Indians the most of his time, for the white people wouldn't have nothing to do with him, and down here where he went to get his claim, and Ma went to get hers and to get me some; he wouldn't go with the tribe when they went off, and he got him a little claim- he called it a claim, and built a little hut of a house on it, and when he was in that house, ma went to see him, and to get ours, and a white man by the name of Jack Thompson run him off of it, and give him an old kind of a house of a thing, and wouldn't give him a thing for the land; the old man just moved about in Mississippi until he died; he died in Monroe County, in this State."

The affidavit referred to above, of her husband, Elias A. McFadden, corroborates her testimony as to her ancestry. It also contains the following statements:

"I was here in time of the treaty of 1830."

"Joseph Nally went to Jasper County. What is known as Jasper County, Mississippi., in about three months after the treaty."

"A man by the name of Zache Thompson fell out with him

and forced him to leave, but he came back to his old settlement in Lowndes County, Miss., and he made two or three trips trying to get his land but he never succeeded."

"William Loggins undertook to establish his wife's claim in the year 1840 something. I don't exactly remember the year Shaw was here. Shaw refused him on account of them being mixed up with the white people."

From the alleged facts, as stated above, it appears that the principal applicant's father and grand-father, both attempted to comply with the provisions of the treaty of September 27, 1830. There is nothing, however, which shows that such compliance was attempted in reference to the fourteenth article of said treaty. It further appears that the record in your possession, and also those at the Indian Office, fail to show that any of the alleged ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. It is therefore believed, in view of the whole record, that the applicants have failed to establish their claim for identification as Mississippi Choctaws, and that the evidence submitted does not warrant a rehearing.

August 7, 1902, the Acting Commissioner of Indian Affairs recommended that your action be approved. The Department concurs therein, and your decision is accordingly affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan,
Acting Secretary.
RMD

1 inclosure.

M.C.R. 4704.

COPY.

Muskogee, Indian Territory, August 29, 1902.

Emaline McFadden,
Big Springs, Mississippi.

Dear Madam:

You are hereby advised that on the 18th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emaline McFadden, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Yours truly,

(SIGNED)

Edna Dinby.

Acting Chairman.

M.C.R. 4704.

COPY.

Muskogee, Indian Territory, August 29, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory .

Gentlemen:

You are hereby advised that on the 18th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emaline McFadden, et al., of which decision you were advised by mail on the 18th day of July, 1902.

Yours truly,

(SIGNED)

James E. Birby.

Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Consolidated Case of
Emaline McFadden
Etal
MCR 4704 -

REFER TO M. C. R. — *Com*

Emaline M Fadden
et al

Consolidated Case

Joseph Nacey
free blood

Nancy Nacey 1/2
mar.
William Roggins

Emaline Roggins 79 1/2
mar.
Elias A M Fadden w.

Nancy Castelberry

John M. M Fadden 50 1/2
wife
Elvira J M Fadden w.

James L. M Fadden

Joseph M M Fadden 40 1/2

Mareha M Fadden, dead
mar.
John Gee, w. dead

Mary Hazlewood

Sarah Elizabeth Bennett

Caroline Frances Graham

Laura M Fadden, dead
mar

Mark Stringfellow w.

May Ette M Fadden 70
William O M Fadden 19
Robert E. M Fadden 18
Hattie Elvira M Fadden 15
George H M Fadden 12
Zachary J. M Fadden 10
John M. M Fadden 7
Laura B M Fadden 5

Ira Everett Gee
Mary Alice Gee 20 1/6
Samuel E. Gee 18 1/6
Minnie Gee 15 1/6

Laura Stringfellow
10 1/6

No. 4704

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

Name Omarine McFadden

Age 78

Blood 1/4

Post Office, Big Springs, Miss

Father: William Loggins d

Mother: Nancy " d

Claims through mother

husband:

Elias McFadden L
No claim for husband.

Children:

Stenographer

R. S. Street.

Choctaw MCR 4705

Sam Bryant

MCR 4705

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sam Bryant, et al.,
for identification as Mississippi Choctaws, N. C. R. 4705.

List of papers forwarded to the Secretary of the Interior,
embracing the record in the case of
Sam Bryant, et al.

Page.

Original application of Sam Bryant, et al., to the
Commission to the Five Civilized Tribes, for iden-
tification as Mississippi Choctaws,..... 1

Final decision of the Commission to the Five Civil-
ized Tribes, refusing the application of Sam Bryant,
et al., for identification as Mississippi Choctaws,... 9

4705

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 10, 1902.

In the matter of the application of Sam Bryant for the identification of himself, his wife, Clara, and seven minor children, Morris, Florence, Ep, French, Adie, Columbus and Ollie, as Mississippi Choctaws.

Sam Bryant, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Sam Bryant.
- Q How old are you? A I was ten years old when the war commenced.
- Q What war, Civil War? A Yes, sir, that's been, you know, -
- Q You are about fifty one years old, are you? A Yes, sir.
- Q How much Choctaw blood have you? A Well, my mother's just half, and my father, old man David Bryant, in the edge of Mississippi, raised him; I don't know what he was.
- Q Then, you are 1/4? A Yes, sir.
- Q What's your post office address? A Chunkey Station.
- Q What county? A Newton.
- Q How long have you lived in Newton County? Mississippi? A I have been there about thirteen years, probably fourteen.
- Q Where did you live before that? A In Choctaw.
- Q What - Choctaw what? A Choctaw County.
- Q Where? A Yes, the County seat was Butler.
- Q Well, that was in Alabama then? A Yes.
- Q Were you born up there? A Yes, sir.
- Q Were you a slave? A No, sir.
- Q Sure of that? A Well, I - there is a man here in this town, Mr. Hunter, can tell you. He used to be an old cotton weigher here.
- Q Is your father living? A No, sir, he's dead.
- Q What was his name? A Gilbert Bryant.
- Q Is your mother living? A Yes, sir.
- Q What's her name? A Candis.
- Q Through which one of your parents do you get your Choctaw blood? A My mother.
- Q Where does she live? A She lives at Whynot.
- Q In Lauderdale County? A Yes, sir.
- Q Has she been before the Commission? A I don't know, sir; that's what I want to find out.
- Q What name does she go by? A She is a Baskin now, she married again.
- Q You say she has one-half Choctaw blood? A Yes, sir.
- Q About how old is your mother? A I don't know, sir; she is about seventy some odd years old, I guess.
- Q Where was she born? A I don't know, sir, she was brought over in Choctaw there, a preacher Lyons raised them up, two girls.
- Q Where was she brought from? A I don't know what part.

Sam Bryant, et al., 2.

Q She was a slave, wasn't she? A No, sir.

Q Was your father a slave? A Yes, sir, belonged to old man David Bryant.

Q How long has your mother lived in Mississippi? A She's been here in Mississippi - in the State of Mississippi about twelve years. She was raised over in Alabama, a girl raised up.

Q Through which one of her parents did she get her Choctaw blood, her mother or her father? A Her father.

Q What was his name? A I don't know, sir, I never did see him.

Q You know nothing about him? A No, sir.

Q He was a full blood Choctaw, according to your testimony?

A Yes, sir.

Q How do you know he was? A Well, her looks used to prove it, and then everybody said she was.

Q Does she know who her father was? A I don't know, sir, she was brought away, just them two girls; when they was brought to this country, one was five years old, and the other one was eight or nine.

Q Did y u ever hear where they were brought from? A I think they was brought from Green County, somewhere.

Q In this State? A Yes, sir.

Q You don't know the name of any one of your ancestors further back than your mother? A No, sir.

Q Are you married? A Yes, sir.

Q How many times have you been married? A Never has had but one wife.

Q Is your wife living? A Yes, sir.

Q Has she any Choctaw blood? A She's one quarter.

Q Has she been married more than once? A No, sir, never has had nobody but me.

Q What's her name? A Clara.

Q Do you want to make application for her too, do you? A Yes, sir.

Q How old is she? A She's about forty five, maybe a little older than that.

Q She was a slave? A Yes, sir.

Q Has she lived in this State all her life? A I don't - yes sir.

Q What was her father's name? A I don't know, sir, I never did know him.

Q What was her mother's name? A Julia Reed.

Q Is she living now? A Yes, sir.

Q Where does she live? A She lives in Sumter County, Alabama.

Q How long has Julia lived over there? A She's been in there about all of her life, I reckon.

Q Has she any Choctaw blood?? A Yes, sir, she looks like she might be about half to me.

Q Are you willing to swear that she has one half Choctaw blood?

A Yes, sir.

Q You don't know except from her appearance? A Yes, sir.

Q Did your wife's father have any Choctaw blood? A I don't know, sir; I don't think she knows her father at all.

Q When did you first hear that Julia Reed had any Choctaw blood?

A Well, I don't know - I have been knowing that for years.

Q Did you ever hear just how much she had? A Well, they claim that she was about one-quarter; she favors more so than I do.

Q How old is Julia? A I don't know, sir.

Q About how old is she? A I thinks she's about eighty years old.

Q Where was she born? A I don't know, sir, ever since I been know-

Sam Bryant, et al., 3.

ing her in Sumter County.

Q Through which one of her parents did she get her Choctaw blood?

A I don't know, sir.

Q Do you know the name of her father, or her mother? A No, sir.

Q Were you married to your wife under a license? A Yes, sir.

Q When? A Its been - I don't know, I got my license at the County Seat at Butler; I don't know how many years its been.

Q Where were you married to her? A Just about a mile this side of Mr. Henry Phillips store, Yantley postoffice, Choctaw County, Alabama.

Q Have you lived with her ever since? A Yes, sir.

Q How many children have you living who are under age and unmarried?

A I have got seven.

Q What are their names and ages? A Morris.

Q How old is Morris? A He's about ~~nineteen~~ years old.

Q Next one? A Florence.

Q How old is she? A About a year younger - eighteen.

Q Next one? A Ep.

Q How old is Ep? A He's about sixteen years old.

Q Next one? A French.

Q How old is French? A Fifteen.

Q Next one? A Adie.

Q Is that a girl? A Boy.

Q How old is Adie? A He's about twelve years old.

Q Next one? A Columbus.

Q How old? A Eleven.

Q Next one? A Ollie.

Q How old? A Seven years old.

Q Boy or girl? A He's a boy.

Q Well, all these seven are boys, aren't they? A Yes, sir, all but one.

Q Which is the girl? A Florence.

Q Are these children all living with you at home? A Yes, sir.

Q Are they all the children yourself and wife --? A Yes, sir, my wife.

Q Clara? A Yes, sir.

Q This application, then, is for yourself and a wife and seven minor children? A Yes, sir.

Q Is your name, your wife's name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.

Q Have you ever made any application of any kind before to-day for yourself, or your wife, or any one of these children, looking to the establishment of your rights as Choctaw Indians? A No, sir.

Q This is the first application of any kind that has ever been made for any of you? A Yes, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, wife and seven minor children, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Do you know what a treaty is? A Yes, sir, I have an idea.

Q Do you know what a contract is? A Yes, sir.

Q Or agreement? A Yes, sir.

Q A treaty is a contract or agreement between Nations, or between the Government and an Indian tribe, and an article of a treaty is a paragraph, or sub-division, or part of a treaty? A Yes, sir.

Sam Bryant, et al., 4.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such ~~an~~ child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article? A Yes, sir.

Q Pretty sure of it, are you? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A I don't know, sir, I just thought may be they had, and I begin to think that may be I had better begin to get it.

Q You don't know whether any of them ever complied with that treaty provision or not? A No, sir.

Q Do you know whether any of your wife's ancestors ever did?

A No, sir.

Q Did any of your ancestors, or any of your wife's ancestors, own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir.

Sam Bryant, et al., 5.

Q Did any of them live here at that time? A Not as I know of.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No, sir, not as I know of.

Q Did any of your ancestors, or any of your wife's ancestors, ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Sure of that? A No, sir.

Q Did any of them ever get any land under any other provision in that treaty? A No, sir.

Q Did any of them ever get any money from the Government? A No, sir.

Q Are you sure that none of your Choctaw ancestors lived here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made, over seventy one years ago? A No, sir, not as I know of.

Q You never heard of any of your ancestors, or any of your wife's ancestors, ever having received any benefits whatever as Choctaw Indians? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know they wanted to stay here and become citizens of the States and take land, and on this account, the Government, at its public land sales, here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837, and 1842, providing for the appointment of commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, I never knowed of any.

Q Did any of your wife's ancestors appear before any of them?

Sam Bryant, et al., 6.

A Not as I knows of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors appear ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir.

Q You are quite sure of that, are you? A Yes, sir.

Q Do you know of any old person living who would likely know whether or any of your ancestors, or any of your wife's ancestors, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, not unless I were to see some of my people.

Q You don't know whether any of them would be informed on this point or not, do you? A No, sir.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any written evidence of any kind to offer? A No, sir.

Q Any further statements you want to make at this time in support of your application? A No, sir.

Q Have you any children who are of age, or married? A There are two of age, but they are not married?

Q I want their names? A Well, that's Edgar and Judge Bryant.

Q Are they the children of yourself and Clara? A Yes, sir.

Q Where do they live? A Judge is down on the Gulf, and Edgar has been at Ellisville.

Q Have they been before the Commission? A No, sir.

Q Are any of your brothers or sisters living? A Yes, sir, I have got a brother out here in Mississippi.

Q What's his name? A Landy Bryant.

Q Has he been before the Commission? A I don't know, sir.

Q Have you any brothers living? A I have got three or four sisters; got one living here in this town.

Q What are the names of your sisters? A Laney Baskins; she is only half; she's just a half sister to me.

Q She has the same mother as you? A Yes, sir.

Q Next one? Mary Johnson, whole sister.

Sam Bryant, et al., 7.

- Q Next one? A Julia Ruffin.
Q Next one? A Eliza Pearson.
Q Next one? A She's all; got one more, but she's dead.
Q Any of these sisters been before the Commission? A No, sir, not but one that I knows of.
Q Have you any brothers or sisters dead who left children?
A My sister Eliza left a whole lot of children - Bettie, it's Elizabeth, but I call her Bettie.
Q What's her other name? A We always called her by the two names, some called her Lizzie and some Bettie; I always called her Lizzie.
Q What was her married name? A Bettie.
Q Bettie what? A Bettie Bryant, before she married.
Q Who did she marry? A Jim Harmon.
Q How many of her children are living now? A I don't know, sir.
Q Do you know their names? A No, sir.
Q Where do they live? A They live in Choctaw - in Alabama.
Q They live with their father? A Yes - I think my mother's got a portion of them; I don't know.
Q Have you any brothers dead who left children? A No, sir.
Q Are any of your wife's brothers or sisters, living? A Yes, sir, she's got one living and one dead.
Q What's the name of the one living? A Emma Dunn.
Q Has she been before the Commission? A I don't know; she lives at Corrinne.
Q Did the one that died leave children? A No, sir, never did have nary one.
Q Are any of your mother's brothers or sisters, or any of their children living? A Her brothers, two of them, is living, Miles Hardin and Billy Reed. Just half brothers; they are half brothers to my wife, my mother aint never had no brothers that I know of.
Q These half brothers of your wife, have they Indian blood?
A One of them has.
Q Julia's son? A Yes, sir.
Q Where does he live? A He lives in Sumter County, Alabama.
Q Now the other child isn't Julia's son? A Yes, sir, but they have got different daddies, and I don't know.
Q Well, he must have Indian blood ~~in~~ if he is Julia's son. Where does he live? A He lives in Sumter County too.
Q You have stated that your mother never did have any brothers or sisters? A She's got a sister; there was them two girls brought to this country.
Q Is that sister living? A No, sir, she's dead.
Q Did she leave any descendants? A Yes, sir, she's got four or five children; there is two of them living here in this town.
Q Name them all? A Lizzie Evans.
Q Next one? A Priscilla.
Q Priscilla what? A Coleman.
Q Next one? A Lee.
Q Lee what? A Lee Watkins.
Q Next one? A Johnnie Watkins.
Q Next one? A King Baskin; that's all.
Q That's all of her descendants who are living? A Yes, sir.
Q Did your wife's mother ever have any brothers or sisters? A No, sir, if she did, I never seen them.
Q Is there anything further you want to say at this time? A No, sir.
Q You don't speak or understand the Choctaw language, do you? A

Sam Bryant, et al., 8.

A No, sir.

Q Or your wife, either? A No, sir.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 10th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Franks, Mississippi, this 25th day of February, 1902.

L. B. Masley

Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *M. A. Masley*

Deputy.

E. H. Cole.

COPY.
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Sam Bryant, et al.,
for identification as Mississippi Choctaws, M. C. R. 4705.

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--: D E C I S I O N :--

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Sam Bryant, for himself, his wife Clara Bryant, and his seven minor children, Morris, Florence, Ed. French, Adie, Columbus and Ollie Bryant, under the following provision of the act of Congress approved June 23, 1896 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that Sam Bryant, the principal applicant herein, claims rights in the Choctaw lands under article four-

2.

teen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Candis Bryant, who is alleged to have been a half blood Cheetaw Indian; that the applicant Clara Bryant claims said rights by reason of being a descendant of Julia Reed, who is alleged to have been either an one-fourth or an one-half blood Cheetaw Indian, and that the other applicants herein claim said rights by reason of being descendants of the aforesaid Candis Bryant and Julia Reed.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Cheetaw tribal authorities as a member of the Cheetaw tribe, or admitted to Cheetaw citizenship by a duly constituted court or committee of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Candis Bryant, or Julia Reed signified (in person or by proxy) to Colonel Wm. Ward,

Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sam Bryant, Clara Bryant, Morris Bryant, Florence Bryant, Ep Bryant, French Bryant, Adie Bryant, Columbus Bryant and Ollie Bryant as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamc Dixie

Acting Chairman.

T. B. Needles

Commissioner.

C. B. Freeman

Commissioner.

Muskogee, Indian Territory.

DEC 6 1902

M C R 4705.

COPY.

Muskogee, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sam Bryant, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sam Bryant, Clara Bryant, Morris Bryant, Florence Bryant, Ep Bryant, French Bryant, Adie Bryant, Columbus Bryant and Ollie Bryant as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants herein have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James P. Rich.
Acting Chairman.

COPY.

Muskogee, Indian Territory, December 6, 1902.

Sam Bryant,

Chunkeys Station, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sam Bryant, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sam Bryant, Clara Bryant, Morris Bryant, Florence Bryant, Ep Bryant, French Bryant, Adie Bryant, Columbus Bryant and Ollie Bryant as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

S B 2

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Tame Pixby.*

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sam Bryant, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tame Kirby

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Inc. M.C.R. 4703.

Land.
76244-1902.

C O P Y.

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs,

Washington, March 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Sam Bryant for himself, his wife Clara Bryant, and his seven minor children, Morris, Florence, Eph, French, Adie, Columbus and Ollie Bryant, for identification as Mississippi Choctaws claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from Julia Reed, Clara Bryant's mother, and Candis Bryant, the principal applicant's mother who, it is alleged, were Choctaw Indians and residents in the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants December 6, 1902, because the names of their ancestors through whom they claim do not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants have never

been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Julia Reed and Candis Bryant, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty; neither does it appear that they applied to the Commissions appointed to adjudicate the claims of those having rights as Choctaw Indians. There was a Lewis Bryant who received land under the provisions of the 14th article of said treaty who had two children over ten and three under ten years of age; but the record does not give the names of these children so that it is impossible to identify the Candis Bryant herein with these children.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

C.T.C. (S)

D.C. 10739-1903.
I.T.D. 3262-1903.
L.R.S.

C O P Y.
B.A.F.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 13, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Sam Bryant, his wife Clara Bryant, and his minor children, Morris, Florence, Ep, French, Adie, Columbus and Ollie Bryant, including your decision of December 6, 1902, refusing the application.

The applicants claim to be descendants of one or both of the following named persons: Candis Bryant, alleged to have been a half blood Choctaw Indian, and Julia Reed, alleged to have been a one-fourth or one-half blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842.

(5 Stat., 513).

Reporting March 26, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has reviewed the whole record, and hereby affirms the decision rendered.

Respectfully, _____

THOS RYAN,
Acting Secretary.

1 inclosure.

COPY.

M.C.R. 4708

Muskogee, Indian Territory, April 27, 1903.

Sam Bryant,

Chunkeys Station, Mississippi.

Gentlemen:

You are hereby notified that on the 13th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Sam Bryant, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

James Bixby.
Chairman.

COPY.

M.C.R. 4708.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sam Bryant, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

(SIGNED) *James Bixby*
Chairman.

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date FEB 11 1906

Name *Sam Bryant*

Age *51* Blood *1/4*

Post Office, *Chunkeys Station, Miss.*

Father: *Gilbert Bryant &*

Mother: *Landis*

Claims through *Mother*

Wife *FW* *Clora Bryant (1/4)* 45

Father *don't know*

Mother *Julia Reed.* L

Wife claims through mother.

(Claims for self: wife & children)

Children:

<i>Morris</i>	<i>Bryant (1/4)</i>	19
<i>Florence</i>	" (F)	18
<i>Ep</i>	"	16
<i>Grinch</i>	"	15
<i>Adie</i>	" (M)	12
<i>Columbus</i>	"	11
<i>Ollie</i>	" (M)	7

Stenographer

R S Street

Choctaw MCR 4706

John Osborn

See MCR 5204

MCR 4706

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 14, 1902.

4706

In the matter of the application for identification as Mississippi Choctaws of John Osborn for himself and his minor son Charley Osborn.

Applicants represented by attorney J. R. Ardhold.

John Osborn being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A John Osborn.
Q O-s-b-o-r-n? A Yes, sir.
Q What is your age? A Thirty-six.
Q Leonard, Texas, Fannin County.
Q How long have you lived there? A Well I have been there off and on about seventeen years.
Q Has that been your residence for seventeen years? A No, sir; the Choctaw Nation has been my Territory for some time.
Q How long have you lived here? A About ten years; in the Choctaw Nation.
Q Have you lived in Texas for the last past year? A Yes, sir.
Q Where were you born? A In Illinois.
Q What place in Illinois? A Jefferson County.
Q How long did you live in the state of Illinois? A Until I was twenty-seven years old.
Q Then you went where? A Texas.
Q How long did you live in Texas before you removed from that state? A A little over two years.
Q You went then where? A Choctaw Nation.
Q How long did you live in the Choctaw Nation then? A Somewhere over ten years.
Q Then you went back to Texas? A Yes, sir.
Q And have lived there since then? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A R. B. Osborn.
Q What was your mother's name? A Frances.
Q She died an Osborn? A Yes, sir.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A I don't know exactly; some say it is one-half. My grand daddy was one-half.
Q How much do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not as I know of.
Q Have you a wife living? A No, sir.
Q Have you any children that you want to make application for? A I have one.

- Q What is the name of the mother of this child? A Lizzie.
 Q She is dead? A Yes, sir.
 Q Was she a white woman? A Yes, sir; she was a white woman.
 Q You are now a widower? A Yes, sir.
 Q Give me the name of the child for whom you want to make application? A Charley.
 Q How old is he? A He is past five.
 Q Was Lizzie Osborn the mother of this boy? A Yes, sir.
 Q You claim for yourself and this child? A Yes, sir.
 Q Have you proof of your marriage to your wife with you? A No, sir; but I can get it.

A reasonable time will be allowed this applicant to furnish proof of his marriage to his wife Lizzie.

- Q When and where were you married to her? A I don't remember the date.
 Q You remember where you were married? A Yes; at Leonard, Texas.
 Q By a minister under a license? A Yes, sir; by a Methodist Preacher.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship for yourself and this child to the Choctaw tribal authorities in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your child to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? together with your child? A No, sir.
 Q This is the first application you have ever made for citizenship in the Choctaw Nation for yourself and child to either the Choctaw tribal authorities or the United States authorities? A Yes, sir.
 Q Do you now come before the Commission for the purpose of identifying yourself and your child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
 Q Do you understand that article of that treaty? A Tolerably well.
 Q Not as well as you would like? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the twenty-seventh day of September 1830. The reason why the government made the treaty was because it desired to remove the Choctaw Indians who lived in the old Choctaw Nation, partly in Mississippi and partly in Alabama, from that old Choctaw Nation to the Choctaw Nation Indian Territory. It was thought that their rights would be protected by the government more safely if they had a tribal government of their own in this Territory. But, before the treaty was signed it became known that a good many Choctaw Indians would not go to this new Territory with the other Indians and in order to protect the interest of those Choctaws who stayed back there article fourteen was drafted and put into the treaty and then the treaty was signed and on February 24, 1831 it was ratified. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that now? A Yes, sir.
- Q Did any of your ancestors comply with that article or attempt to? My brother and my sister did.
- Q No; any of your ancestors? A I could not say.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Billy Carpenter.
- Q What relation is Billy Carpenter to you? A My grand daddy.
- Q How much Choctaw blood did he have? A I could not say how much. They say he was about one-half.
- Q Is that what you learned from members of the family? A No, sir.
- Q Well do you think he was a half blood Choctaw Indian? A Well Yes; we can produce evidence.
- Q Well do you know; answer the question? A No, sir; I don't.
- Q Can you give the name of any of your ancestors who lived in Mississippi in 1830? A No, sir.
- Q Can you tell the name of the father of Billy Carpenter? A No, sir.
- Q Do you know the name of the mother of Billy Carpenter? A No, sir.
- Q Do you know through which parent Billy Carpenter claimed his Choctaw blood? A From his father's side.
- Q Billy Carpenter claimed through his father? A Yes, sir.
- Q Did his father live in Mississippi in 1830? A I could not say whether he did or not.
- Q How old would your grandfather Billy Carpenter be if he were living now? A I suppose he would be 80 or 90.
- Q If he would be 80 or 90 years old if living now could he have been married and the head of a family in 1830? A I could not say anything about that.
- Q Did he speak the Choctaw language or have a Choctaw Indian name? A Well, it has been so long I have forgot.
- Q You don't know? A No, sir; I do not.
- Q Did he or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I could not say.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Well I don't know whether they did or not.

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- Q Did any of your Choctaw ancestors own any land or claim any underarticle fourteen of the treaty of 1830 in Mississippi or Alabama? A I don't know.
- Q Did they own or claim any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors claim any benefits or receive any as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A I don't know whether they did or not.

The Choctaw Indians who remained in the state of Mississippi and Alabama, in the old Choctaw Nation, after the treaty of 1830 was ratified were required, if they desired to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent who had an Agency in Mississippi, within six months from the ratification of the treaty and tell him that they wanted to stay there in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. It is estimated that at least six thousand Indians stayed back in the old Choctaw Nation and of that number a good many made application to Colonel Ward under the provisions of article fourteen and within the time limited in that article but Ward's register contains the names of only seventy-one heads of families out of the total number of Indians who remained in the old Choctaw Nation. His neglect to make a proper list of the names of all claimants to come before him within that time caused a good many Indians who had land in Mississippi to lose both their land and the improvements which they had upon it, both were taken from them by the United States government and sold at the public land sales. This caused so many complaints that on account of the complaints made Congress appointed a Commission by act approved March 3, 1837, which Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act approved August 23 of that year another Commission was appointed for the same purpose. Both of these Commissions heard claimants under article fourteen in Mississippi and made lists of their names.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the United States government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government lands, to replace the land that they claimed they had in Mississippi and which the government had taken from them and sold? A I could not say.
- Q This scrip was a certificate and was issued under the provisions of an act of Congress approved August 23, 1842. You say that you never heard that any of your ancestors received any? A No, sir.
- Q Have you had any relatives who have been before this Commission to be identified as Mississippi Choctaws? A Yes, sir.
- Q Will you give the names of those that have appeared? A R. A. Osborn.
- Q What does that "R" stand for? A That is just the initial, Richard Allen is his name.
- Q Richard A. Osborn is it? A Yes, sir.
- Q Who else if you remember? A Jane Simpson.

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- Q Any others? A Burrill Simpson.
Q Any others? A Jimmie Osborn.
Q These are relatives of yours? A Yes, sir.
Q Do they all claim through Billy Carpenter? A Yes, sir.
Q Do you want to have their record examined with yours when yours is taken up? A Yes, sir.
Q Have you any evidence that you want to present now? A No, sir.
Q Would you like time in which to present other testimony? A Yes, sir.

Attorney says "Yes".

A reasonable time will be allowed this applicant in which to furnish evidence if introduced under the rules of the Commission.

- Q Do you speak the Chectaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair; dark ruddy complexion; reddish brown mustache; blue eyes. He has no knowledge of the Chectaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the abovesentitled cause on February 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

Subscribed and sworn to before me this 8 day of March 1902.

G. Rosenwinkel
W. M. Mitchell
Notary Public.

COPY,

Muskogee, Indian Territory, December 1, 1902.

John Osborn,
Leonard, Texas.

Dear Sir:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William T. Osborn, et al., embracing the following applications for identification as Mississippi

Choctaws:

William T. Osborn, et al.,	M.C.R. 5204
Richard A. Osborn, et al.,	M.C.R. 4465
James Osborne,	M.C.R. 4466
Mary J. Simpson, et al.,	M.C.R. 4322
Burel Simpson,	M.C.R. 4467
John Osborn, et al.,	M.C.R. 4706

These applications were made under the provision of the Act of Congress of June 25, 1896 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

John Osborn-2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William T. Osborn, Lillie Belle Osborn, Radford Burrall Osborn, Richard A. Osborne, Eva Osborne, Addie Osborne, Burrall Osborn, Jesse Osborn, Willie Osborn, James Osborn, Mary J. Simpson, Ada M. Simpson, Oscar Simpson, Otis J. Simpson, Luther Simpson, Everett Simpson, Mary Simpson, Arthur Simpson, Noah Simpson, Burel Simpson, John Osborn and Charley Osborn as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

SIGNED

James D. [illegible]

Acting Chairman

Registered.

M.C.R.4706

COPY.

Muskogee, Indian Territory, July 14, 1903.

John Osborn,

Leonard, Texas.

Dear Sir:

You are hereby notified that on the 20th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William T. Osborn, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

T. B. Noodles.
Commissioner in Charge.

No. 4706

For Identification as a Mississippi Choctaw.

Date

FEB 11 1902

Name John Osborn,

Age 36

Blood 1/8

Post Office, Leonard, Texas,

Father: R. B. Osborn, d.

Mother: Frances " d.

Claims through mother
wife

Lizzie Osborn d. w.

Children:

Charley Osborn. 5

Claims for self
and child

UNCLAIMED.

*Present address is
thought to be Kiowa,
I. T.*

LEONARD TEXAS
JAN - 3 1902
REGISTERED No. 5



Leonard Texas.



Penalty for private use, \$300.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

THE FIVE
BILLED
JAN 5 1903

AGT NG DEATHM...



Choctaw MCR 4707

Willie Potts .

See MCR 3625

MCR 4707

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 14, 1902.

4707

In the matter of the application for identification as Mississippi Choctaws of Willie Potts for herself and her six minor children, Vesta, Lessie Lane, Ethel, Hummie, Clariette and Jeffrey July Potts.

Applicants not represented by attorney.

Willie Potts, first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Willie Potts.
- Q What is your age? A I am twenty-seven;--I will be twenty seven the first day of August.
- Q What is your post office address? A Pottsbore, Texas.
- Q How long have you lived in Pottsbore? A Being on two years.
- Q Where did you live before that? A Preston.
- Q Where were you born? A In Grayson County, Texas.
- Q Is your father living? A No, sir.
- Q Is your mother living? A Yes, sir.
- Q What was your father's name? A Alfred Young.
- Q What is the name of your mother? A Polly Young.
- Q Through which parent do you claim Choctaw blood? A Mother's side.
- Q How much Choctaw blood do you claim? A I don't know sir.
- Q What was your father's blood; was he a negro? A Yes, sir.
- Q Was he a slave? A Yes, sir.
- Q How much Choctaw blood did your mother have? A Well; I don't know sir.
- Q Was she a full blood Choctaw Indian or part Choctaw? A Part Choctaw.
- Q Don't you know how much? A No, sir.
- Q You never heard? A No, sir; if I did I don't forget.
- Q Was she a slave before the War? A Yes, sir.
- Q What was her other blood besides Indian blood which you claim she had? A Negro I reckon.
- Q Was your mother ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
- Q Where were your parents slaves, in Texas or in what state? A Tennessee I think.
- Q Where was your mother born? A I don't know sir.
- Q Did she ever live in any other state besides Texas? A Not as I know of.
- Q Do you know that she always lived in Texas? A No; she came from Tennessee.
- Q Did she ever live in any other state than Tennessee and Texas? A They is the only two that I remember.
- Q How old is your mother now? A I don't know how old she is; some where in sixty.

#2

- Q Do you know where she was born? A No, sir.
- Q Have you a husband living? A Yes, sir.
- Q What is his name? A Jeffrey Potts.
- Q Is he a Negro? A He has got part Indian in him but I don't know how much.
- Q Negro too; is he not? A Yes, sir.
- Q What kind of Indian blood has he got? A I don't know; his mother did not know anything about it.
- Q Do you make any claim for him as having Choctaw blood? A No, sir.
- Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A All my children are under age.
- Q What is the name of the oldest child? A Vesta Potts.
- Q V-e-s-t-a? A Yes, sir.
- Q Girl? A Boy.
- Q How old is that boy? A Twelve.
- Q What is the name of the next child? A Lessie Lane.
- Q Girl? A Yes, sir.
- Q How old is she? A Nine.
- Q What is the name of the next? A Ethel Potts.
- Q Girl? A Yes, sir.
- Q How old is she? A Eight years old.
- Q What is the name of the next? A Hummie.
- Q You don't know how to spell that? A No, sir.
- Q Is that a boy or girl? A Boy.
- Q How old is she? A Seven years old.
- Q What is the name of the other one? A Clariette Potts.
- Q She is a girl? A Yes, sir.
- Q When was she born? A She is going on four, she will be four her next birthday.
- Q What is the name of the next child? A Jeffrey July Potts.
- Q How old is Jeffrey? A He is a year and four months old.
- Q You make application for yourself and these children? A Yes, sir.
- Q Is Jeffrey Potts the father of these children? A Yes, sir.
- Q Was he ever married before his marriage to you? A No, sir.
- Q You ever married before you married him? A No, sir.
- Q These children living with you at your home? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Yes, sir.
- Q Then you don't have to make application to day? A I don't know.
- Q The question is "Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory" that is, has your name been placed there by the Choctaw Indians as an Indian and a member of the Choctaw tribe of Indians? A I don't know what that means.
- Q What made you answer it then? You don't want to say Yes to things that you don't know anything about. Has your name been placed by the members of the Choctaw Council upon any list authorized by them which entitles you to citizenship rights here in the Choctaw Nation? A No, sir.
- Q Are the names of any of your children upon the Choctaw rolls in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship for yourself and children in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.

#3

- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and for the identification of your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of the treaty of 1830? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the twenty-seventh of September 1830 and was made for the purpose of effecting the removal of the Choctaw Indians who lived in the old Choctaw Nation from that Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was put into the treaty of 1830. The treaty was then signed and afterwards was ratified on the 24th day of February 1831. That article reads as follows.:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply with the provisions of that article of that treaty. Do you know of they did those things that are stated there? A No, sir.
- Q Do you think you understand that now well enough to claim your rights under it? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your rights to be identified as a Mississippi Choctaw? A My mother.
- Q No; go way back to your ancestors? A Sarah Cocheran.
- Q Sally Cocheran? A Yes, sir.
- Q How do you know that she was a Choctaw Indian? A I don't know sir; All I know is what my mother told me about it.
- Q Your mother was Polly Young? A Yes; I might have forgot all that she told me. I remember my grandmother's name.
- Q Did your mother Polly ever live in the state of Mississippi? A Yes, sir.
- Q Are you sure now? A Yes, sir.
- Q Do you know where Mississippi is? A No, sir.
- Q How do you know Polly Young lived in Mississippi? A All I know is what she told me.
- Q She told you that she lived in Mississippi? A Yes, sir.
- Q Was she born in Mississippi? A I don't know.
- Q How old is Polly Young now? A She is somewhere in sixty; I don't know.
- Q What was her mother's name? A Sally George.

- Q Was Sally George the maiden name of your mother or her married name? A I don't know sir.
- Q What was her maiden name? A It was Young.
- Q And your mother's name was Polly Young? A Yes, sir.
- Q Now I asked what her name was before she was married? A She was a George.
- Q She claimed her Choctaw blood through which parent her father or mother? A It was grandmother.
- Q Did she claim through her father or mother? A It was my grandmother.
- Q What was her name? A Sally Young-----Sally George.
- Q What was your grandmother's name before she was married? A I don't know.
- Q You say you claim through Sally Cochran, who was she? A Sarah Cochran.
- Q Well who was she? A My great grandmother.
- Q Did she live in Mississippi in 1830? A I don't know sir.
- Q Did any of your ancestors live in Mississippi? A Aunts.
- Q Ancestors; do you know what an ancestor is? A No, sir.
- Q Well your father or mother or any of your grandfathers or grandmothers, on either side would be ancestors. Your grandfather would be an ancestor or your grandmother would be an ancestor? A Yes, sir.
- Q Now did any of your ancestors live in Mississippi in 1830? A I don't know sir; I reckon they did.
- Q Do you know? A No, sir.
- Q What makes you reckon some of them did? A I heard mama say.
- Q That they lived in Mississippi? A Yes, sir.
- Q Did you hear your mother say who lived in Mississippi? A I heard her say that her mother and grandmother lived in Mississippi.
- Q Were they slaves there before the War? A I don't know.
- Q Your mother was? A Yes, sir.
- Q Would not her parents be? A Yes, sir.
- Q How old would Sally Cochran be if she were living now? A I don't know.
- Q Did she have or own any improvements on land in Mississippi or Alabama in 1830? A She owned some there some time but I don't know what year it was.
- Q How could she own land if she was a slave? A I don't know sir.
- Q Well you said she owned some? A Yes, sir.
- Q How could she own land if she was a slave? A I don't know.
- Q Then you have to take that back don't you? A Yes, sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838 or '40? A I don't know sir.
- Q Did you ever hear that any of your Choctaw ancestors owned any land or claimed any in Mississippi or Alabama under article fourteen of the treaty of 1830? A No, sir; I never did.
- Q Did any of your Choctaw ancestors to your knowledge own or claim any land in Mississippi or Alabama or any benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No, sir; not that I knows of.
- Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A Not as I knows of.

The Choctaw Indians, who were members of the Choctaw tribe of Indians who lived in the old Choctaw Nation in Mississippi and Alabama in 1830, who refused to go to the Choctaw Nation Indian Territory with the other Indians under the provisions of the treaty of 1830, were required, if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward who had an agency in Mississippi at that time and state to him that they intended to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this, whose names Colonel Ward failed to put upon his list known as Ward's register and his failure to make a complete list of all Choctaw Indian claimants who came before him within the time limited in article fourteen caused a good many Choctaw Indians who had land in Mississippi, upon which they had improvements to lose both their land and the improvements they had upon it; both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians and these complaints resulted that in 1837, by act approved March 3 of that year a Commission to be appointed, which Commission went to the state of Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed by Congress by act approved August 23, of that year and this Commission went to Mississippi also and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A I don't know.
- Q Did they ever receive any scrip or certificates from the United States government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they formerly owned in Mississippi and which the government had taken from them and sold? A No, sir; not that I know of.
- Q These certificates or scrip were issued under the provisions of an act of Congress approved August 23, 1842 and were given to those Indians only who had had land in Mississippi which the government took from them and which they were entitled to hold. You never heard that any of your people ever received any such scrip? A No, sir.
- Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws before you? A No, sir; nothing more than my mother.
- Q What is her name? A Polly Young.
- Q Any other relatives? A No, sir.
- Q Do you want to have your mother's case considered with yours and both considered together? A Yes, sir.
- Q Have you any evidence that you want to introduce now in support of your claim? A Yes, sir.

The affidavit of Polly Young presented by this applicant, received, filed, marked exhibit A and made a part of the record in this case.

Certified copy of the affidavit of J. S. Smith, presented by this applicant, received, filed marked exhibit "B" and made a part of the record in this case.

Certified copy of the affidavit of W.C. Porter, presented by this applicant received, filed, marked exhibit "A" and made a part of the record in this case.

#6

Q Is there anything more you want to say now in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from Negro parentage. She has all the facial characteristics also her manner and dialect would indicate that race.

Q Do you speak Choctaw? A No, sir.

She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 8 day of March 1902.

Charles M. [Signature]

Notary Public.

COPY.

W.C.R. 4707.

Muskogee, Indian Territory, July 25, 1902.

Willie Potts,

Pottsboro, Texas.

Dear Madam:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Polly Young, et al., embracing the following applications for identification as Mississippi Choctaws:

Polly Young, et al.,	W.C.R. 3625
Willie Potts, et al.,	" 4709
Alexander Young, et al.,	" 4708
Belle Nero, et al.,	" 4710
Willie Potts, et al.,	" 4707
James Young,	" 4711

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

W P 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Polly Young, Effie Young, Millie Potts, Frank Potts, Maud Potts, Curley Burn Potts, Daisy Potts, Austin Potts, Lila Potts, Alexander Young, Theater Young, Allen Young, Andrew Young, Scemie Young, Belle Nero, Minnie Nero, Roger Nero, Lennie Nero, Timmy Nero, Roy Nero, Sadie Nero, Willie Potts, Vesta Potts, Lessie Lane Potts, Ethel Potts, Mammie Potts, Clariette Potts, Jeffrey July Potts, and James Young, as Choctaw Indians entitled to rights in the Choctaw lands, under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commissioner has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

N C R 4707

COPY.

Muskogee, Indian Territory, September 13, 1902 .

Willie Petts,

Pottsboro, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Polly Young, et al., of which decision you were advised by registered mail on the 25th day of July, 1902.

Yours truly,

James Pickens

Acting Chairman.

No.

4707

For Identification as a Mississippi Choctaw.

Date

Name Willie Potts

Age ~~26~~ 26 Blood don't know.

Post Office, Pottsville, Texas.

Father: Alfred Young, ^{negro} slave dMother: Polly " ^{negro} slave ch. b.Claims through mother,
husbandJeffrey Potts, — b. negro
and Ind.

No claim for husband

Children:

Vesta Potts M. 12

Lessie L " F 9

Ethel " F 8

Xummie " M — 7

Clariette " F. 3 ~~7~~

Jeffrey J. " M — 1

Claims for self and

Choctaw MCR 4708

Alexander Young

See MCR 3625

MCR 4708

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 14, 1902.

4708

In the matter of the application for identification as Mississippi Choctaws of Alexander Young for himself and his four minor children, Theator, Allen, Andrew and Semmie Young.

Applicants not represented by attorney.

Alexander Young being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Alexander Young.
- Q How old are you? A I am going on thirty-eight.
- Q What is your post office address? A Preston, Texas.
- Q Where were you born? A Grayson County.
- Q Have you always lived in Texas? A Yes, sir.
- Q Where is Preston; in what County? A In Grayson County.
- Q Is your father living? A No, sir.
- Q Is your mother living? A Yes, sir.
- Q What was your father's name? A Alfred Young.
- Q What is your mother's name? A Polly Young.
- Q Do you claim your Choctaw blood through your mother? A Yes, sir.
- Q How much Choctaw blood do you claim? A Why I don't know sir how much.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir; I think she has.
- Q You don't know what I mean by that question I guess. Has she ever been enrolled as a Choctaw Indian in the Choctaw Nation in Indian Territory? A I don't know sir. She said she came up here before the committee.
- Q She came here to make application for identification as a Mississippi Choctaw did she not? A Yes, sir.
- Q That is what you refer to? A Yes, sir.
- Q She never lived in the Indian Territory? A No, sir; she never lived here.
- Q When was it that she appeared before the Commission to be identified as a Mississippi Choctaw, what date? A It was some time last fall.
- Q Where did she appear? A At Atoka, I think it was.
- Q Was your father a Negro? A Yes, sir.
- Q Was he a slave? A Yes, sir.
- Q Was your mother a slave? A Yes, sir.
- Q How much Choctaw blood did she have? A Why I don't know sir exactly.
- Q How much Negro blood? A I don't know that either.
- Q Was she three-quarters Negro do you think? A Well, yes; I suppose she was but I don't know.
- Q How was it that she was a slave if she had Choctaw blood? A Her people I suppose were not slaves. She might have been a slave and her people might not have been slaves.

#2

- Q Do you know whether her people were slaves? A No, sir. I heard her say that some of them were not slaves.
- Q And some of them were? A No, sir; I don't know nothing about that.
- Q Have you a wife living? A No, sir; my wife is dead.
- Q Have you any children that you want to make application for? A Yes, sir.
- Q Was your wife a Negro? A Yes, sir.
- Q What was her name? A Nelure, N-e-l-u-r-e.
- Q Was she the mother of the children for whom you are now going to make application? A Yes, sir.
- Q How many children have you? A Four.
- Q What is the name of the oldest? A Theator.
- Q How do you spell that? A T-h-e-a-t-o-r.
- Q Boy or girl? A Girl.
- Q How old is she? A Nine.
- Q What is the name of the next? A Allen.
- Q How old is he? A Four years old.
- Q Now the next? A Andrew.
- Q How old is he? A Two past.
- Q The next? A He is one year old.
- Q What is the name of the next? A I aint' named it yet.
- Q You better name it now? A Well I will name it Semmie.
- Q Boy or girl? A Girl.
- Q When and where were you married to your wife? A In Grayson County.
- Q Texas? A Yes, Grayson County, Texas.
- Q When were you married to your wife? A I was married December 1883, December 17, 1883.
- Q By a minister? A Yes, sir.
- Q Have you proof of that marriage with you? A No,,sir.

A reasonable time will be allowed this applicant to prove the marriage of himself and his wife.

- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? No,,sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the identification of your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A I understood it when you were saying it.

The treaty of 1830 was made made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the twenty-seventh of September 1830 and was made for the purpose of the removal of all the Choctaw Indians who lived in the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before it was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and

in order to protect the interests of those Indians who elected to remain back there in Mississippi, article fourteen was put into the treaty of 1830. That article is as follows:

"Each Choctaw head of a family being being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Hannah George, and Sarah Cocheran.
- Q Who is Sarah Cocheran, what relation to Hannah George? A I don't know.
- Q What relation is Sarah Cocheran to you? A My great grandmother I guess.
- Q Don't you know what relation she is? A I never did see her.
- Q A good many of us have never seen our great grandmother's but we know we had them? A Yes, sir.
- Q How do you know that Sarah Cocheran is your great grandmother? A A My mother told me.
- Q She told you that Sarah Cocheran was your great grandmother? A A Yes, sir.
- Q Who did she tell you that Hannah George was? A My grandmother.
- Q That Hannah George was your grandmother and Sarah Cocheran your great grandmother; what relation would they be to each other? A A She must have been her daughter.
- Q How much Choctaw blood did Sarah Cocheran have? A I don't know sir.
- Q How do you know you have got any Choctaw blood? A I don't know at all; only from what my mother said.
- Q Did you ever hear anybody else say so? A No, sir.
- Q How many times did you ever hear her say you had Choctaw blood? A Lots of times.
- Q Did she keep talking about it? A Yes, sir.
- Q But you never heard that from anybody else? A No, sir.
- Q You never heard your father say that you had any Indian blood through your mother? A No, sir.
- Q You were a slave before the war? A No, sir.
- Q You would have been living then would you not; you were born in 1865; I guess you would not? A Yes, sir.
- Q Do you remember of ever hearing your mother say whether you were born during the War? A No, sir.
- Q Or before or after the surrender? A Just before the Surrender I think, she said. I don't remember whether she said just before or after.
- Q How old would your great grandmother Sarah Cocheran be if living now? A I don't know.
- Q Did she, or Hannah George or any of your Choctaw ancestors live in Mississippi in 1830? A I don't know.

- Q Did you ever hear that any of them ever lived in Mississippi? A I heard my mother say that her people lived in Mississippi.
- Q Did your mother ever live in Mississippi? A I reckon so.
- Q Did her mother live in Mississippi? A I don't know that.
- Q Did you ever hear that any of your Choctaw ancestors owned any improvements on land in Mississippi or Alabama in 1830? A I don't know what year it was but I heard my mother say about my grandmother having property in Mississippi.
- Q Was she not a slave? A She says not?.
- Q What was her name? A Who?
- Q Grandmother? A Hannah George is my grandmother.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know but I heard my mother talk about her people owning property in Mississippi.
- Q Did they claim it under article fourteen of the treaty of 1830? A I don't know that.
- Q This land that you claim your mother said some of her people owned in Mississippi; did she say whether they bought it? A They don't know what it was; it was a store, Grocery store.
- Q Who of your ancestors owned a grocery store in Mississippi? A I think her grandmother?
- Q Who was that? A Sarah Cocheran.
- Q Do you testify that Sarah Cocheran owned a grocery store in Mississippi in 1830? A No, sir.
- Q Or any other time in Mississippi? A No, sir; I only know what she said.
- Q You don't know that she owned any land? A No, sir.
- Q Did any of your Choctaw ancestors own any land or claim any under any other article of the treaty of 1830 than article fourteen or under the supplementary articles of that treaty? A I don't know sir.
- Q Did they ever claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know sir.

In 1837, a Commission was appointed, by act of Congress approved March 3, of that year, which Commission went to the State of Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In the year 1842 another Commission was appointed by Congress under an act of August 23, of that year and these two Commissions went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. These two Commissions were appointed to pass upon the claims of Choctaw Indians who claimed that they had presented themselves within six months after the ratification of the treaty of 1830 at the agency of Colonel Ward, the United States Indian Agent and had told him that they wanted to stay in Mississippi, take land there and become citizens of the United States. This they claimed they had done within six months from the ratification of the treaty; but, he failed to put their names upon his list known as Ward's register and for that reason the lands they had had in Mississippi were taken from them by the government and sold. These Commissions of 1837 and the Commission of 1842 were appointed to right the wrong of such Indian claimants.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of the treaty of 1830? You never heard? A No, sir; I never did.

The act of Congress approved August 23, 1842, provided that if a Choctaw Indian proved his claim under article fourteen of the treaty of 1830 and if it also further appeared that he had formerly had land in Mississippi which the government had taken from him that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to this effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A Not that I know of.
 Q What relation is Willie Potts to you? A Sister.
 Q What relation is Pelly Young to you? A Mother.
 Q They have both been before the Commission to be identified as Mississippi Choctaws? A Yes, sir.
 Q You want to have their records and yours considered together? A Yes, sir.
 Q Do you speak the Choctaw language? A No, sir.
 Q Have you any evidence that you want to introduce now? A Yes, sir.

Certified copy of the affidavit of J. S. Smith presented by this applicant, received, filed, marked exhibit "A" and made a part of the record in this case.

Certified copy of the affidavit of W. C. Porter presented by this applicant, received, filed, marked exhibit "B" and made a part of the record in this case.

- Q Have you any witnesses that you want to call before the Commission? A No, sir.
 Q You desire any more time in this case for the presentation of testimony? A No, sir.
 Q Is there anything more you want to say in support of this claim? A No, sir.
 Q Do you speak or understand the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from Negro parentage. He does not show any traces of Choctaw blood. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

Subscribed and sworn to before me this 7 day of March 1902.

G. Rosenwinkel
H. J. Mitchell
 Notary Public.

COPY.

M.C.R. 4708.

Muskogee, Indian Territory, July 25, 1902.

Alexander Young,

Preston, Texas.

Dear Sir:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Polly Young, et al., embracing the following applications for identification as Mississippi Choctaws:

Polly Young, et al.,	M.C.R. 3625
Willie Potts, et al.,	" 4709
Alexander Young, et al.,	" 4708
Belle Wero, et al.,	" 4710
Willie Potts, et al.,	" 4707
James Young,	" 4711

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

A Y 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pelly Young, Effie Young, Willie Potts, Frank Potts, Maud Potts, Garley Burn Potts, Daisy Potts, Austin Potts, Lilan Potts, Alexander Young, Theater Young, Allen Young Andrew Young, Sammie Young, Belle Nero, Winnie Nero, Roger Nero, Lennie Nero, Tinney Nero, Ray Nero, Sadie Nero, Willie Potts, Vesta Potts, Leslie Lane Potts, Ethel Potts, Sammie Potts, Charlotte Potts, Jeffrey July Potts, and James Young, as Chastaw Indians entitled to rights in the Chastaw lands, under the provisions of said Article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Registered.

M C R 4708

CO

Muskogee, Indian Territory, September 16, 1902 .

Alexander Young,
Preston, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pally Young, et al., of which decision you were advised by registered mail on the 25th day of July, 1902.

Yours truly,

Tamm Dixby.
Acting Chairman.

No. 4708

For Identification as a Mississippi Choctaw.

Date

Name Alexander Young

Age ~~38~~ 37 Blood Don't know

Post Office, Preston, Texas

Father: Alfred Young, d ^{negro. slave}

Mother: Polly " ^{3/4 negro. slave} l.

Claims through mother.
wife.

Melure Young, d, neg.

Children:

<u>Theator Young</u>	<u>F.</u>	<u>9</u>
<u>Allen</u>	<u>"</u>	<u>M 4</u>
<u>Andrew</u>	<u>"</u>	<u>11 2</u>
<u>Servanie</u>	<u>"</u>	<u>F 1</u>

Claims for self &
children

Choctaw MCR 4709

Millie Potts

See MCR 3625

MCR 4709

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. February 14, 1902.

4709

In the matter of the application for identification as Mississippi Choctaws of Millie Potts for herself and her six minor children Maud, Frank, Curley Burn, Daisy, Austin and Lila Potts.

Applicants not represented by attorney.

Millie Potts being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Millie Potts.
- Q What is your age? A As near as I can guess at it I think nearly thirty-seven,-----I am forty-two.
- Q What is your post office address? A Preston, Texas.
- Q How long have you lived in Preston? A I have lived there ever since I have been any size.
- Q Were you born there? A I was born in Sherman.
- Q Both are in Grayson County? A Yes, sir.
- Q Always lived in that county? A Yes, sir.
- Q Is your father living? A No, sir.
- Q Is your mother living? A Yes, sir.
- Q What was your father's name? A Alfred Young.
- Q What was your mother's name? A Polly Young.
- Q Did she make application before the Commission at Atoka, for identification as a Mississippi Choctaw? A Yes, sir.
- Q You claim through your mother? A Yes, sir.
- Q How much Choctaw blood do you claim? A Well, I don't know sir.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A Yes, sir.
- Q Now you don't mean that because she never lived in the Indian Territory? A No; I mean at Atoka.
- Q I don't mean when she appeared to be identified? A No, sir; she has never been recognized.
- Q Was your father a slave? A Yes, sir.
- Q And a Negro? A Yes, sir.
- Q Your mother was a slave? A Yes, sir.
- Q How much Negro blood did your mother have do you know? A No, sir.
- Q More than the Choctaw blood? A Yes, sir; I think she showed more Choctaw blood than Negro blood.
- Q You show Negro more? A Yes, sir.
- Q How did your mother become a slave? A By her mother.
- Q Her mother was a slave? A Yes, sir.
- Q Have you a husband living? A Yes, sir.
- Q Negro? A Yes, sir.
- Q What is his name? A Josh Potts.
- Q You make any claim for him as a Choctaw Indian? A No, sir.
- Q How many children have you? A Eight living children.
- Q Are they all under age? A No, sir; only six under age.

- Q Are any of these six married? A No, sir.
 Q What is the name of the oldest under age? A Maud.
 Q M-a-u-d? A Yes, sir.
 Q How old is she? A She is about sixteen.
 Q What is the name of the next? A Frank, he is about twenty.
 Q Now give me the name of the next one? A Curley Burn.
 Q C-u-r-l-e-y? A Yes, sir.
 Q How old is Curley Burn? A Curley is about ten years old.
 Q Is that a girl? A No, a boy; the first I gave in was a girl.
 Q What is the name of the next? A Daisey.
 Q How old? A I can't keep their ages; I will give it to you the best I can; Nine.
 Q Is that a boy or girl? A Girl.
 Q Now the name of the next? A Austin.
 Q That is a boy I guess? A Yes, sir.
 Q How old is Austin? A About eight.
 Q Now the next? A Lilas.
 Q Girl? A Yes; girl.
 Q How old is she? A Seven.
 Q Next? A That is all.
 Q You claim for yourself and these children do you? A Yes, sir.
 Q Is Josh Potts the father of these children? A Yes, sir.
 Q Are they living with you at your home? A Yes, sir.
 Q Were you ever married before you married him? A No, sir.
 Q Was he ever married before he married you? A No, sir.
 Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
 Q Five years ago? A No, sir.
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A I don't understand that.
 Q Have you or your children ever been made citizens? A No, sir.
 Q Do you now come before the Commission for the purpose of being identified yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
 Q Do you understand that article of that treaty? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the twenty-seventh day of September 1830 and was made for the purpose of removing all of the Choctaws from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed however it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was drafted and put into the treaty. The treaty was then signed and afterward ratified. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be en-

titled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that well enough to claim under it?
A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My great grandmother.
- Q What was her name? A Sarah Cocheran.
- Q Did any of your ancestors comply with that article of the treaty or try to; do you know? A Yes, my mother.
- Q Did they comply with that article? A That you just read.
- Q Yes sir? A I don't know; I did not understand it well enough. If I understood it I might know.
- Q How do you know that Sarah Cocheran was a Choctaw Indian? A I don't know; only what my mother said.
- Q Did she tell you? A Yes, sir.
- Q Was Sarah Cocheran a slave? A No, sir.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Did she ever live in Mississippi? A Not that I know of. I heard my father talking a great deal about Mississippi.
- Q Was your mother born in Mississippi? A I don't know sir whether she was or not.
- Q Can you give the names of any of your Choctaw ancestors who lived in Mississippi? A Not any, only my grandmother.
- Q Who was she? A Sarah Cocheran.
- Q I asked you if she lived in Mississippi and you said you did not know? A I told you I did not know any one only what I heard my mother say.
- Q What did you hear her say about Sarah Cocheran living in Mississippi in 1830? A I just heard that she lived in Mississippi and she never was a slave and I heard that she owned a block.
- Q A House you mean? A Yes, sir.
- Q Who was that; Sarah Cocheran? A Yes, sir.
- Q Well did she keep a store? A Yes, sir.
- Q Did she own any land? A Not that I know of.
- Q Did she have any improvements on land in Mississippi to your knowledge? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A No, sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No, sir.
- Q Did any of them own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A No, sir; not that I know of.
- Q Did they claim any land or own any under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No, sir not that I know of.

- Q Did they claim any benefits as Choctaw Indians under any treaty made between the United States and the Choctaw tribe of Indians other than the treaty of 1830; did you ever hear that they did?
A No, sir.

The Indians who remained in Mississippi after the treaty of 1830 was ratified were required to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty, if they wanted to take advantage of the provisions of article fourteen of that treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to make a full and complete list of all Indians who came before him under article fourteen of that treaty caused a good many Indians who had land in Mississippi to lose both their land and the improvements for both were taken from them by the government and sold at the public land sales. This caused so many complaints that Congress by act approved March 3, 1837, appointed a Commission which Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act approved August 23, of that year Congress appointed another Commission which also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830. Did you ever hear? A No, sir; I never did.
- Q Did any of your Choctaw ancestors receive any scrip or certificates from the United States government as Choctaw Indians which entitled them to select land in either Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they held in Mississippi which had been taken from them by the government and sold? A No, sir.
- Q Is Polly Young your mother? A Yes, sir.
- Q Did she appear before the Commission to be identified as a Mississippi Choctaw last fall? A Yes, sir.
- Q What relation is Willie Potts to you? A Sister.
- Q What relation is Alexander Young? A Brother.
- Q Do these all claim through the same ancestor Sarah Cocheran? A Yes, sir.
- Q Do you want the record in their cases considered with yours when yours is taken up by the Commission? A Yes, sir.
- Q Do you speak the Choctaw language? A No, sir.
- Q Have you any documents that you want to present now or any further proof? A Yes, sir.

Certified copy of the ex parte affidavit of W. C. Porter presented by applicant, received, filed, marked exhibit "A" and made a part of the record in this case.

Certified copy of the ex parte affidavit of J. S. Smith, presented by applicant, received, filed and marked exhibit "B", made a part of the record in this case.

- Q Have you any other evidence that you want to submit or do you want any time in which to introduce other testimony? A No, sir.
- Q Is there anything more you would like to say in support of this claim? A No, sir; not that I know of.

This applicant has the appearance and physical characteristics of being descended from Negro parentage. She claims part Choctaw but does not know how much. She shows no traces of Indian Parentage. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 8 day of March 1902.

Charles Mitchell Wood
Notary Public.

COPY.

M.C.R. 4709.

Muskogee, Indian Territory, July 25, 1902.

Willie Potts,

Preston, Texas.

Dear Madam:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pelly Young, et al., embracing the following applications for identification as Mississippi Choctaws:

Pelly Young, et al..	M.C.R. 3585
Willie Potts, et al..	" 4708
Alexander Young, et al..	" 4708
Belle Nero, et al..	" 4710
Willie Potts, et al..	" 4707
James Young,	" 4711

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats, 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

27 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Polly Young, Effie Young, Millie Potts, Frank Potts, Maud Potts, Carley Burn Potts, Daisy Potts, Austin Potts, Lilas Potts, Alexander Young, Theodor Young, Allen Young, Andrew Young, Sammie Young, Belle Nero, Minnie Nero, Roger Nero, Lennie Nero, Tinney Nero, Roy Nero, Sadie Nero, Willie Potts, Veria Potts, Leasia Lane Potts, Ethel Potts, Hummie Potts, Charlotte Potts, Jeffrey July Potts, and James Young, as Choctaw Indians entitled to rights in the Choctaw lands, under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

T. B. McCallie.

Commissioner in Charge.

Registered,

M C R 4709

COPY.

Muskogee, Indian Territory, September 15, 1902.

Millie Potts,

Preston, Texas.

Dear Madam:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons concluded in the consolidated case of Pelly Young, et al., of which decision you were advised by registered mail on the 28th day of July, 1902.

Yours truly,

James D. Kirby
Acting Chairman.

No. 4709

For Identification as a Mississippi Choctaw.

Date

Name Millie Potts.

Age 42 Blood Dmtg 1/2 m. s.

Post Office, Preston, Texas.

Father: Alfred Young, d. ^{Star}

Mother: Polly ^{Star}

Claims through

Husband Josh Potts, b. neg.
No claim for husband

Children:

Maud Potts, F (16

Frank " M (20

Curley B. " M 10

Daisy " F. 9

Austin " M. 8

Lilas " F. 7

Claims for self &

children.

B. R. R. R. R. R.

Choctaw MCR 4710

Belle Nero

See MCR 3625

MCR 4710

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 14, 1902.

4710

In the matter of the application for identification as Mississippi Choctaws of Belle Nero for herself and her six minor children, Minnie, Roger, Lennie, Tinney, Roy and Sadie Nero.

Applicants not represented by attorney.

Belle Nero being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Belle Nero.
Q What is your age? A I will be thirty the next birthday.
Q What is your post office address? A Pottsbore, Texas.
Q Where were you born, in Texas? A Yes, sir.
Q Is Pottsbore in Grayson, County? A Yes, sir.
Q Have you always lived in Grayson County? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Alfred Young.
Q What is your mother's name? A Polly Young.
Q You claim through your mother? A Yes, sir.
Q How much Choctaw blood do you claim? A I don't know sir.
Q Was your father a slave before the War? A Yes, sir.
Q Was he a Negro? A Yes, sir.
Q Your mother a slave? A Yes, sir.
Q How much Choctaw blood does she have? A I don't know sir.
Q Was she more Negro than Choctaw? A Yes; I think so.
Q Three-quarters Negro? A I don't know sir.
Q You think she was about that? A I don't know sir.
Q How did she become a slave do you know? A No, sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Is your husband living? A Yes, sir.
Q Is he a Negro? A Yes, sir.
Q You don't claim that he is a Choctaw Indian then? A No, sir.
Q What is his name? A Bob Nero.
Q No claim for husband? A No, sir.
Q You say you have how many children? A seven.
Q Are they all unmarried? A Yes, sir.
Q And all under age? A Yes, sir.
Q Give me the name of the eldest? A Minnie Nero.
Q How old is Minnie? A Going on twelve.
Q The next? A Roger Nero.
Q How old is Roger? A Ten.
Q The next? A Lennie, L-e-n-n-i-e.
Q That is a boy? A That is a girl.
Q How old is Lennie? A She is nine.
Q What is the name of the next? A Tinney, T-i-n-n-e-y.
Q That is a girl? A Yes, sir.

#2

- Q How old is she? A Six.
Q Next? A Roy.
Q Roy is how old? A Five.
Q Next? A Sadie.
Q Girl? A Yes,,sir.
Q How old? A Three.
Q You claim for yourself and six children? A Yes, sir.
Q Is Bob Hero the father of these children? A Yes, sir.
Q They all live with you at your home? A Yes, sir.
Q Was he ever married before he married you? A No, sir.
Q Were you ever married before you married him? A No, sir.
Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No,,sir.
Q Have you ever been admitted to citizenship with your children in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September 1830 and was made for the purpose of removing all the Choctaw Indians who lived in that old Choctaw Nation to the Choctaw Nation Indian Territory but before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty of 1830 and in order to protect their interests article fourteen was put into the treaty of 1830. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that now well enough to claim under it? A Yes, sir; I reckon.
Q Did your ancestors, any of them, ever comply with that article of that treaty, or tried to? A I don't know sir.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I don't

understand you.

- Q Don't you know what an ancestor is? A No, sir.
- Q Your grandmother, or grandfather would be ancestors; what was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I don't know.
- Q Do you know the name of your great grandmother? A Yes, sir.
- Q What was her name? A Sarah Cocheran.
- Q Was that on your mother's side? A Yes, sir.
- Q That is your great grandmother? A Yes, sir.
- Q What was your grandmother's name on your mother's side? A Hannah George.
- Q She was the mother of your mother? A Yes, sir.
- Q Did your mother or Hannah George or Sarah Cocheran, any of them, ever live in Mississippi or Alabama? A I don't know sir.
- Q Do you know whether any of them lived in Mississippi in 1830 and had a family there then? A No, sir.
- Q How do you know then that you are a Mississippi Choctaw? A Just going on what my mother told me.
- Q What did she say about it? A She said that she was.
- Q Did she say that she ever lived in Mississippi? A Yes, sir.
- Q She did; your mother? A Yes, sir.
- Q Was she born in Mississippi? A I don't know sir, where she was born.
- Q Did she say that her mother lived in Mississippi? A I don't know.
- Q Did she say that her grandmother was born and lived in Mississippi? A I don't know sir.
- Q Was Sarah Cocheran a slave before the War? A I don't know sir.
- Q Was her daughter Hannah George a slave? A I don't know sir.
- Q Your mother was, was she not? A Yes, she says she was.
- Q How could she become a slave and her mother not? A Her mother must have been one too.
- Q Well then was not her mother one? A I don't know sir.
- Q How much Choctaw blood did Sarah Cocheran have? A I don't know sir.
- Q How old would she be if living now? A I don't know how old she would be.
- Q How old would Hannah George be if living now? A I don't know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become a citizen of the United States? A I don't know sir.
- Q Did you ever hear that any of them went from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did they claim any land under any other article of that treaty than article fourteen or under the supplement of that treaty do you know? A No, sir.
- Q Did they claim any benefits whatever as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830; do you know? A No, sir.

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- Q Did any of your Choctaw ancestors go before the Commission appointed by act of Congress, approved March 3, 1837 or before the Commission appointed by act of Congress approved August 23, 1842, and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir; not that I know of.
- Q These two Commissions were appointed because Choctaw Indian claimants alleged that they had gone before Colonel Ward, the United States Indian Agent within six months from the ratification of the treaty and told him that they intended to stay in Mississippi, take land there and become citizens of the United States but that he failed to put their names upon his list known as Ward's register. For this reason and in order to get the benefits of article fourteen, with which they claimed they had complied, they went before the Commission of 1837 and 1842, either one or the other. You don't know whether any of your ancestors went before either? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they claimed they had previously held in Mississippi and which the government had taken from them and sold at its public land sales? A I don't know sir.
- Q This scrip or these certificates were issued under an act of Congress approved August 23, 1842. You don't know whether any of your ancestors received any? A No, sir.
- Q What relation is Polly Young to you? A My mother.
- Q What relation is Alexander Young to you? A Brother.
- Q Millie Potts? A Sister.
- Q These have all appeared before the Commission to be identified as Mississippi Choctaws? A Yes, sir.
- Q All claim through Sarah Cocheran? A Yes, sir.
- Q You want to have their records considered with yours when yours is taken up for consideration by the Commission? A Yes, sir.
- Q Have you any documentary evidence of any kind that you want to present now? A Yes, sir.

Certified copy of the ex parte affidavit of W. A. Porter presented by this applicant, received, filed, marked exhibit "A" and made a part of the record in this case.

Certified copy of the ex parte affidavit of J.S. Smith presented by this applicant, received, filed, marked exhibit "B" and made a part of the record in this case.

- Q Do you want time for the presentation of any other evidence? A No, sir.
- Q Do you speak or understand the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from Negro parentage; she claims part Choctaw blood but does not know how much she claims; shows no traces of Choctaw descent. She does not understand the Choctaw language and knows of no compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 14, 1902, and that the above and foregoing is a

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full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

J. Rosenwinkel

Subscribed and sworn to before me this 8 day of March 1902.

W. C. M. [Signature]
Notary Public.

COPY.

W.O.R. 4710.

Muskogee, Indian Territory, July 25, 1903.

Belle Nero,

Pottshoro, Texas.

Dear Madam:

You are hereby advised that on the 25th day of July, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Polly Young, et al., embracing the following applications for identification as Mississippi Choctaws:

Polly Young, et al.,	W.O.R. 3625
Willie Potts, et al.,	" 4709
Alexander Young, et al.,	" 4708
Belle Nero, et al.,	" 4710
Willie Potts, et al.,	" 4707
James Young,	" 4711

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

B X 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Polly Young, Effie Young, Millie Potts, Frank Potts, Maud Potts, Curley Burn Potts, Daisy Potts, Austin Potts, Elias Potts, Alexander Young, Theodor Young, Allen Young, Andrew Young, Sammie Young, Della Here, Winnie Here, Roger Here, Louisa Here, Timmy Here, Ray Here, Sadie Here, Willie Potts, Vesta Potts, Lizzie Lane Potts, Ethel Potts, Minnie Potts, Charlotte Potts, Jeffrey July Potts, and James Young, as Choctaw Indians entitled to rights in the Choctaw lands, under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

T. B. Needles.
Commissioner in Charge.

Registered.

Muskogee, Indian Territory, July 30, 1902.

Belle Nero,

Pottsboro, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 2nd inst., in which you ask to be informed "what additional proof I will have to secure in my case."

It appears from our records that you are an applicant to this Commission for the identification of yourself and minor children as Mississippi Choctaws, having made said application before the Commission at its office in Muskogee, Indian Territory, February 14, 1902, and that your case was consolidated with the case of Polly Young, who the records of the Commission show, is your mother, and certain other persons who are applicants to the Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor, Sarah Cochran.

The authority vested in this Commission to determine the identity of so-called Mississippi Choctaws is contained in the provisions of the act of Congress of June 23, 1898, as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

D H

seventh, eighteen hundred and thirty, and to the end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

At the time you made your application article fourteen of the treaty of eighteen hundred and thirty, was read to you, and in reply to a question you stated that you understood the provisions of that article of the treaty.

The Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that they are descendants of Choctaw Indians who resided within the territorial limits of the old Choctaw Nation in the states of Mississippi and Alabama, in 1830, and complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, or were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

The several applicants in the consolidated case of Polly Young, et al., having failed to submit any proof of the compliance on the part of Sarah Ceshran with the provisions of the fourteenth article of the treaty of 1830, the Commission on July 25, 1902, rendered its decision refusing the right to identification as Mississippi Choctaws of the several persons whose applications are included in said consolidated case and on the same date notified the several applicants therein of such decision and of the forwarding of

B H

the record to the Secretary of the Interior for his review.

You will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

M C R 4710

COPY.

Muskogee, Indian Territory, September 15, 1902.

Belle Wore,

Pittsboro, Texas.

Dear Madam:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Billy Young, et al., of which decision you were advised by registered mail on the 25th day of July, 1902.

Yours truly,

Tamie Ditty.
Acting Chairman.

No. 47413

For Identification as a Mississippi Choctaw.

Date

FEB 14 1891

Name

Belle Nero

Age

30

Blood

Don't Know.

Post Office,

Pottsboro, Texas.

Father:

Alfred Young,

slav
negro

d

Mother:

Polly

slav

l

Claims through

mother

Husband

Bob Nero

l. neg.

No claim for husband.

Children:

Minnie Nero, F.

F.

11

Roger

"

M.

10

~~Lilla~~
LENNIE

*

F.

9. ~~8~~

Tinney

"

F.

6

Roy

"

M.

5

Sadie

"

F.

3

Claims for self and children.

Stenographer

G. Roumwinck

Choctaw MCR 4711

James Young

See MCR 3625

MCR 4711

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 14, 1902.

4711

In the matter of the application for identification as a Mississippi Choctaw of James Young.

Applicant not represented by attorney.

James Young being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A James Young.
Q What is your age? A Twenty-five.
Q What is your post office address? A Denison, Texas, 314 Johnson street.
Q How long have you lived in Denison? A I have lived in Denison about five years.
Q Where did you live before that? A Yes, sir.
Q Where were you born? A Born in Preston Bend.
Q Always lived in Texas? A Yes, sir.
Q In Grayson County? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Alfred Young.
Q What was your mother's name? A Polly Young.
Q Do you claim Choctaw blood through your mother? A Yes, sir.
Q How much do you claim? A Don't know how much.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Was your father a slave before the War? A Yes, I guess so.
Q He was a Negro? A Yes, sir.
Q Was your mother a slave? A Yes, sir.
Q How much Negro blood did she have? A I could not tell you.
Q More than Choctaw? A I could not tell you that.
Q You are not married? A No, sir.
Q You claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission for the purpose of being identified as Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article of that treaty? A Yes, I guess so.

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- Q You have heard it read and explained a good many times? A Yes sir.
- Q Think you understand it now without a further explanation? A Why just do as you like about it.
- Q How about your understanding; do you think you understand it well? A No, sir; I don't understand it well.
- Q Do you know what a treaty is? A No, sir; not exactly.
- Q You know what a contract in writing is? A No, sir.
- Q You know what an agreement is? A No, sir.
- Q Did you not make a contract with the Railroad Company and agreed to work for them? A Yes, sir.
- Q Now then supposing you put that in writing and you sign it on one side and the sign it on the other that is a contract. Now a treaty is a compact in writing made between two or more Nations whereas an agreement or contract in writing is made between two or more people. The treaty of 1830 which was made between the United States government and the Choctaw Nation was a compact in writing made between these two Nations and the representatives of the United States government on one side and the Chiefs and head men of the Choctaw tribe on the other side and that made two parties to the treaty. Now the object of that treaty was to remove all of the Choctaw Indians who lived way across there East of the Mississippi River, in the states of Mississippi and Alabama, from that Nation, called the old Choctaw Nation, to the new Choctaw Nation, Indian Territory. That was what the treaty was made for. Well, a good many Indians came to this new Choctaw Nation Indian Territory under that treaty but a good many others would not come, they said "No" they would not come but stayed back there, so that treaty would not have been signed by the Choctaw Nation only the United States government said we will put in article fourteen in the treaty, if that will satisfy you Indians which article was put into the treaty for the protection of the interests of the Choctaw Indians who stayed back there in the old Choctaw Nation. Now you understand that? A Yes, sir.
- Q Now then this article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvements of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now do you understand that? A Yes, sir.
- Q Do you know whether any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty. Do you know whether any of them did those things? A Mother says that my great grandmother did.

- Q What was her name? A Sarah Cocheran.
- Q She was your great grandmother on your mother's side? A Yes, sir.
- Q Did she own any land in Mississippi? A Yes, sir; I don't know whether she owned it in Mississippi or not but she was a native of somewhere or another.
- Q How did any of your ancestors live in Mississippi? A That is what I don't know.
- Q How much Choctaw blood did Sarah Cocheran have? A Mamma says she was a full blood.
- Q Could she speak the Choctaw language? A I suppose she could.
- Q You don't know that? A No, sir; only what I was told.
- Q By your mother? A Yes, sir.
- Q Was she a slave before the War or was her daughter a slave, Hannah George? A My great grandmother was no slave but Hannah George was a slave because she was stolen away from her Mamma that is how come her to be a slave.
- Q You are sure about that stolen business? A That is what I was told by my Mamma.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Don't know whether any of your ancestors came from that old Choctaw Nation to the Choctaw Nation Indian Territory between 1833 and 1838? A I guess my great grandmother did. That is what Mamma says.
- Q Where did she locate? A I could not tell you.
- Q Then all of your people lived in the Indian Territory since? A No, sir.
- Q If your great grandmother came to the Indian Territory, was her daughter Hannah George born in the Indian Territory? A I don't know.
- Q If she was she was a slave in the Indian Territory? A She could not because none of the rest of them was slaves.
- Q But you said a little while ago that Hannah George was? A She was after she was stolen?
- Q Was she living in the Territory when she was stolen? A I don't know where she was living.
- Q You don't know where she was taken to after she was stolen? A No, sir.
- Q Did any of your Choctaw ancestors own any land or claim any under article fourteen of the treaty of 1830 in the state of Mississippi? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know sir.
- Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A Why I suppose my great grandmother did.
- Q Do you know? A That is what I have been told.
- Q Under what other treaties did she claim? A I don't know which one.

The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward, who had an Agency in Mississippi at

that time and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States. A good many Choctaw Indians did this within the time limited under the provisions of article fourteen of the treaty of 1830, but Colonel Ward failed to put their names down upon the list made by him known as Ward's register. This caused a great many Indians who had complied with article fourteen and who were entitled to hold land in Mississippi or Alabama to lose the land which they were occupying and the improvements upon that land, both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837 by act approved March 3, of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by act approved August 23, of that year for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen? A I don't know.
- Q Did any of your Choctaw ancestors ever receive any scrip from the United States government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land? A I don't know unless it was my great grandmother.
- Q Did you ever hear that your great grandmother ever received any scrip from the government under the provisions of the act of Congress of August 23, 1842? A Yes, I heard Mamma say.
- Q Did she tell you all about that act of Congress of August 23, 1842? A Yes, she said she was no slave.
- Q Well the question is did she tell you about that act of Congress at that time? A No, sir; she did not tell me all about it.
- Q Who is Polly Young? A My mamma.
- Q And she told you about these things? A I heard her say that.
- Q And it is Polly Young who made application at Atoka, to be identified as a Mississippi Choctaw? A Yes, sir.
- Q These things that she has told you will appear in her record; she also made application? A Yes, I guess so.
- Q Who is Alexander Young? A My brother.
- Q Millie Potts? A My sister.
- Q Belle Nere? A My sister.
- Q Do you want to have the records in these cases all consolidated under the head of your mother's case? A Yes, sir.
- Q Have you any evidence that you want to introduce now in support of your claim? A Nothing but these papers.

Certified copy of the ex parte affidavit of J. S. Smith presented by this applicant received, filed, marked exhibit "A" and made a part of the record in this case.

Certified copy of the ex parte affidavit of W. C. Porter presented by applicant, received, filed, marked exhibit "B" and made a part of the record in this case.

- Q Do you speak the Choctaw language? A No, sir.
- Q Have you any other evidence that you want to introduce now in support of your claim? A No, sir.
- Q Do you want time in which to introduce more? A No, sir; not that I know of.

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This applicant has the appearance and physical characteristics of being descended from Negro parentage. He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 8th day of March 1902.

Charles Mitchell Wood

Notary Public.

COPY,

M.C.R. 4711.

Muskogee, Indian Territory, July 25, 1902.

James Young,

Denison, Texas.

Dear Sir:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Polly Young, et al., embracing the following applications for identification as Mississippi Choctaws:

Polly Young, et al.,	M.C.R. 3625
Millie Potts, et al.,	" 4709
Alexander Young, et al.,	" 4708
Belle Nero, et al.,	" 4710
Willie Potts, et al.,	" 4707
James Young,	" 4711

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

J Y 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Polly Young, Effie Young, Millie Potts, Frank Potts, Maud Potts, Curley Burn Potts, Daisy Potts, Austin Potts, Lila Potts, Alexander Young, Theator Young, Allen Young, Andrew Young, Sennie Young, Belle Nero, Minnie Nero, Roger Nero, Lennie Nero, Tinney Nero, Roy Nero, Sadie Nero, Willie Potts, Vesta Potts, Lessie Lane Potts, Ethel Potts, Mammie Potts, Clarlette Potts, Jeffrey July Potts, and James Young, as Choctaw Indians entitled to rights in the Choctaw lands, under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M U R 4711

COPY.

Muskogee, Indian Territory, September 15, 1902 .

James Young,

Denison, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Felly Young, et al., of which decision you were advised by registered mail on the 28th day of July, 1902.

Yours truly,

WHEB

James Dixby
Acting Chairman.

No. 4711

For Identification as a Mississippi Choctaw.

Date FEB 14 1902

Name James Young

Age 25. Blood don't know.

Post Office, Wrentham, Texas,
314 JOHNSON ST. ^{Slave} ^{negro}

Father: Alfred Young, d.

Mother: Polly ^{negro} ^{Slave} ^{negro} l.

Claims through mother —

~~Children:~~

Claims for self
alone

Choctaw MCR 4712

Alfred Thomas

See MCR 4618

MCR 4712

4712

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 11, 1902.

In the matter of the application of Alfred Thomas, for the identification of himself and four minor children, Jesse, Leona, Sarah and Floyd, as Mississippi Choctaws.

Alfred Thomas, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Alfred Thomas.
- Q How old are you? A I am about - I was born about '56.
- Q Forty five or six? A Yes, sir.
- Q How much Choctaw blood have you? A I don't know, sir, how much.
- Q What's your post office address? A Bolton, Mississippi.
- Q What county? A Hinds County.
- Q How long have you lived in Hinds County? A I was born there.
- Q Live d there all your life? A Yes, sir.
- Q Is your father living? A No, sir.
- Q What was his name? A William Thomas.
- Q Is your mother living? A Yes, sir.
- Q What's her name? A Millie Harper.
- Q Through which one of your parents do you derive your Choctaw blood? A From my mother.
- Q She has been before the Commission here this month? A Yes, sir.
- Q Has she lived in this State all her life? A Yes, sir.
- Q Through which one of her parents did she get her Choctaw blood? A From her daddy.
- Q What was his name? A Jim Gibson, as I understand.
- Q How much Choctaw blood has your mother? A I don't really know.
- Q How much Choctaw blood did Jim Gibson have? A He was full, from my understanding.
- Q Your mother, then, is a half blood? A Yes, sir.
- Q And you would be a quarter blood? A Yes sir.
- Q Did y u ever see Jim Gibson? A No, sir.
- Q Do you know anything about him at all? A No, sir.
- Q Are you married? A Yes, sir.
- Q Is your wife living? A Yes, sir.
- Q What's her name? A Willie Thomas.
- Q Has she any Choctaw blood? A None as I know of.
- Q You make no claim for her? A No, sir.
- Q Have you been married more than once? A Yes, sir, I have been married twice.
- Q Have you any children by your present wife? A Yes, sir, four by the present wife.
- Q How old is the oldest one? A He is about eleven years old. Soon be twelve.
- Q How many children have you under age? A Four.
- Q How long has your first wife been dead? A She's been dead about thirteen or fourteen years, I reckon.
- Q Were you married to your present wife under a license? A Yes, sir.
- Q When? A The license and certificate, if you require them, I

Alfred Thomas, et al., 2.

have them.

Original marriage license of Alfred Thomas and Willie Petes, offered in evidence, identified as Exhibit "A", filed, and made a part of the record in this case.

Q What are the names and ages of these minor children for whom you want to make application? A Jesse.

Q A boy? A Yes, sir.

Q How old? A He is about 11 years old, going on 12.

Q Next one? A Leona.

Q How old? A She's about eight.

Q Next one? A Sarah.

Q How old? A She's about 6, I reckon.

Q Next one? A Named Floyd.

Q A boy? A Yes, sir.

Q How old? A He's four.

Q That all of your children? A Yes, sir. All by my present wife, under age.

Q Are they all four the children of yourself and Willie Thomas?

A Yes, sir.

Q This application, then, is for yourself and four minor children, is that right? A Yes, sir.

Q Is your name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir.

Q Did you ever make application of any description before to-day for yourself and these children for the purpose of establishing your rights as Choctaw Indians? A No, sir, I haven't.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these four minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, sir, I don't understand it.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

Alfred Thomas, et al., 3.

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That's the 14th article of the treaty of Dancing Rabbit Creek. Do you understand it now? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A They haven't as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir, not as I know of.

Q Did any of them live here at that time, to your knowledge?

A My folks all lived here in this State, in Hinds County.

Q Your mother isn't old enough to be living here at that time, is she? A I don't think she was.

Q Who, of her people, were living here? A I reckon Cud Thomas.

Q I am talking about Choctaw ancestors now? A I don't know.

Q I am talking about your Choctaw ancestors? A I don't know, sir.

Q Did any of your ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?

A Not as I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Any of them ever receive any money from the Government? A No, sir, not as I know of.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the

Alfred Thomas, et al., 4.

United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not as I know of.

An Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress?

A No, sir, not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know of any.

Q Have you any written evidence of any description proving, or tending to prove, such a state of facts? A No, sir, I don't know of any evidence at all.

Q Have you any witness here to-day? A No, sir.

Q Have you any written evidence of any kind to offer? A No, sir, I haven't.

Q Any further statements you want to make? A No, sir.

Alfred Thomas, et al., 5.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q Have you any brothers living? A Yes, sir.
Q How many? A I have got two brothers living.
Q What are their names? A Richard Harper and George Harper.
Q Any sisters living? A Yes, sir, I have got three sisters living.
Q What are their names? A Lucy and Murtie and Sarah.
Q They are here to-day for the purpose of making application? A Yes sir.
Q Are your brothers here to-day? A One of them; but he has been before the Commission.
Q Have you any children of age? A Yes, sir.
Q How many? A Two.
Q What are their names? A Charlotte and William.
Q Is Charlotte married? A Yes, sir.
Q What's her married name? A Charlotte Ury.
Q Is she here to-day? A No, sir.

By S.A.Beadle:

- Q Is your son, William, here to-day? A Yes, sir.
Q Did your mother, Millie Harper, always live near Bolton, Hinds County, Mississippi? A Yes, sir, she has ever since my recollection.
Q How old is she? A I don't know how old she is; sixty or seventy
A ~~years~~ she is over seventy five years of age, she would have been living here in 1830, when this treaty was made? A Yes, sir, I think she would.

By Commission:

Do you speak or understand the Choctaw language? A No, sir, I don't .

(This applicant has the appearance of being possessed of negro and either white or Indian blood; he does not speak or understand the Choctaw language.)

R.S.Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 11th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Branks, Mississippi, this 26th day of February, 1902.

R. S. Streit
L. P. Mowley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

COPY.

M C R 4712

Muskogee, Indian Territory, October 29, 1902.

Alfred Thomas,
Bolton, Mississippi.

Dear Sir:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Millie Harper, et al., embracing the following applications for identification as Mississippi Choctaws:

Millie Harper,	M C R 4618
Richard Harper, et al.,	" 4624
Lucy Swings,	" 4714
Susie Lambert, et al.,	" 4717
Alfred Harper, et al.,	" 4720
Millie Daniels, et al.,	" 4716
Minnie Mack, et al.,	" 4715
William Mack,	" 4721
Mary Lemons, et al.,	" 4718
Sarah J. Lambert,	" 4713
Alfred Thomas, et al.,	" 4712
William Thomas,	" 4719
Alex Thomas, et al.,	" 4658
Maudie Wendle, et al.,	" 4629.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Harper, Richard Harper, Roberta Harper, Eddie Harper, John Harper, Dan Harper, James L. Harper, Rosie Harper, Jesse Harper, Lucy Swings, Susie Lambert, Mary Lambert, Squire Lambert, Sophia Lambert, Alfred Harper, William Harper, Johnnie Harper, Moses Harper, Ermine Harper, George Harper, Millie Daniels, Alfred Daniels, Percy Daniels, Susie Belle Daniels, Josie Daniels, Mary L. Daniels, Mintie Mack, Henry Mack, Dock Mack, Alex Mack, Jimmie Mack, William Mack, Mary Lemons, Daisy Lemons, Sarah J. Lambert, Alfred Thomas, Jesse Thomas, Leona Thomas, Sarah Thomas, Floyd Thomas, William Thomas, Alex Thomas, Cuddie Thomas, Maude Beadle, Richard H. Beadle, Samuel M. Beadle, Mariah L. Beadle, Garnett Beadle and Elbert B. Beadle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R.4712.

COPY.

Muskogee, Indian Territory, March 24, 1903.

Alfred Thomas,

Bolton, Mississippi.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Millie Harper, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

Signed:

Tams Dixby.

Chairman.

#17.38

No.

4113

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

FEB 11 1902

Name

Alfred Thomas

Age

45

Blood

1/4

Post Office,

Pollon, Miss.

Father:

William Thomas

d

Mother:

Millie Harper

L

Claims through

mother

wife

Willie Thomas

L

no claim for wife.

(names for 2 years 4 children)

Children:

Willie

Thomas

11

Leona

"

15 8

Sarah

"

6

Floyd

"

(M) 4

stenographer

R. S. Street

Choctaw MCR. 4713

Sarah J. Lambert

MCR 4713

4713

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 11, 1902.

In the matter of the application of Sarah J. Lambert for
identification as a Mississippi Choctaw.

Appearances:

S. A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Sarah J. Lambert, having been first duly sworn, upon her
oath testified as follows:

Examination by the Commission.

Q What is your name? A Sarah J. Lambert.
Q How old are you? A Thirty four years old.
Q How much Choctaw blood have you? A Quarter.
Q What's your post office address? A Belton, Mississippi.
Q How long have you lived in Hinds County? A Ever since I can remember.
Q Is your father living? A Yes, sir.
Q What's his name? A Moses Harper.
Q Is your mother living? A Yes, sir.
Q Millie Harper.
Q Through which one of your parents do you get your Choctaw blood? A Mother.
Q How much as she? A Half, I suppose.
Q She has heretofore been before the Commission, has she? A Yes, sir.
Q Is Alfred Thomas, who has just appeared before the Commission, your half brother? A Yes, sir.
Q His mother and your mother are the same woman? A Yes, sir.
Q Has your mother lived in Hinds County all her life? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q Through which one of her parents did she get her Choctaw blood? A From her father.
Q What was his name? A Jim Gibson.
Q Did you know him? A No, sir.
Q You knew nothing about him? A No, sir, only what I was told.
Q What have you been told about him? A I was told that he was a whole Indian - Choctaw Indian.
Q Are you married? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q Has your husband any Choctaw blood? A No, sir.
Q Have you any children? A No, sir.
Q What's your husband's name? A Jerred Lambert.
Q You make no claim for him? A No, sir.
Q This application, then, is for yourself only, is it? A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir, not as I know of.

Sarah J. Lambert, et al.2.

Q Has any application of any description ever been made in your behalf before to-day for the establishment of your rights as a Choctaw Indian? A No, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not exactly.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from this country out west of the Mississippi River to what is known as the Choctaw Nation. At the time the treaty was made, some of the Indians didn't want to leave this country, and for the benefit of those what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin to the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand it now? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty, or ever receive any benefits thereunder? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir, not that I know of.

Q Any of them live here at that time? A Yes, sir.

Q What one of your Choctaw ancestors lived here seventy one years ago? A My grand mother.

Sarah J. Lambert, of 3.

Q Your grand mother wasn't a Choctaw Indian? A My grand father, I meant.

Q Jim Gibson? A Yes, sir.

Q Where did he live then? A He lived in Nindis County.

Q How do you know? A I was told that he did.

Q In 1830? A In 1830.

Q Seventy one years ago, nearly seventy two years ago? A Well, I just don't know; I guess he did.

Q You don't know, that's the fact about the matter? A Yes, sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama, to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1831 and 1832?

A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

Q Any of them ever get any land here in Mississippi from the Government to your knowledge? A No, sir.

Q Or any money? A Not as I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the said Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land. On this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they were entitled to land under article 14 of the treaty but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not as I know of.

Sarah J. Lambert, 4.

An Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A No, sir, not as I know of.

Q So far as you know, then, none of your ancestors ever received any benefits as Choctaw Indians? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits whatever thereunder? A Yes, sir, I don't know of any.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence here to-day to offer in support of your application? A No, sir.

Q Have you any witnesses here to-day? A No, sir, I have no witnesses. I just thought that mother's witnesses would do for us.

The testimony of the witnesses who testified in your mother's case will be considered in connection with your application.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No, sir.

Q Do you speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Choctaw blood, in which the negro blood predominates. She does not speak or understand the Choctaw language.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized

Sam J. Lambert, S.

Tribes, he reported in full all proceedings had in the above
entitled cause on the 11th day of February, 1902, and that the
above and foregoing is a full, true and correct translation of his
stenographic notes of said proceedings in said cause upon said date.

P. J. Smith
Subscribed and sworn to before me at Hanks, Mississippi,
this 26th day of February, 1902.

L. R. Massey
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By ~~Clerk~~

Smith

Deputy.

W.C. 1002

Cherokee, Indian Territory, October 22, 1902.

Sarah J. Lambert,
Belton, Mississippi.

Dear Madam:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Millie Harper, et al., concerning the following applications for identification as Cherokee Cherokees:

Millie Harper,	M. F. 1. 4618
Richard Harper, et al.,	" 4624
Lacy Briggs,	" 4714
Sadie Lambert, et al.,	" 4717
Alfred Harper, et al.,	" 4720
Millie Daniels, et al.,	" 4716
Minnie Mack, et al.,	" 4715
William Mack,	" 4712
Mary Lemons, et al.,	" 4711
Sarah J. Lambert,	" 4713
Alfred Thomas, et al.,	" 4718
William Thomas,	" 4719
Alex Thomas, et al.,	" 4721
Maude Beale, et al.,	" 4722

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Cherokee Indians claiming rights in the Cherokee lands under article fourteen of the treaty between the United States and the Cherokee Nation, executed September twenty-

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

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THE UNIVERSITY OF CHICAGO

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THE UNIVERSITY OF CHICAGO

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

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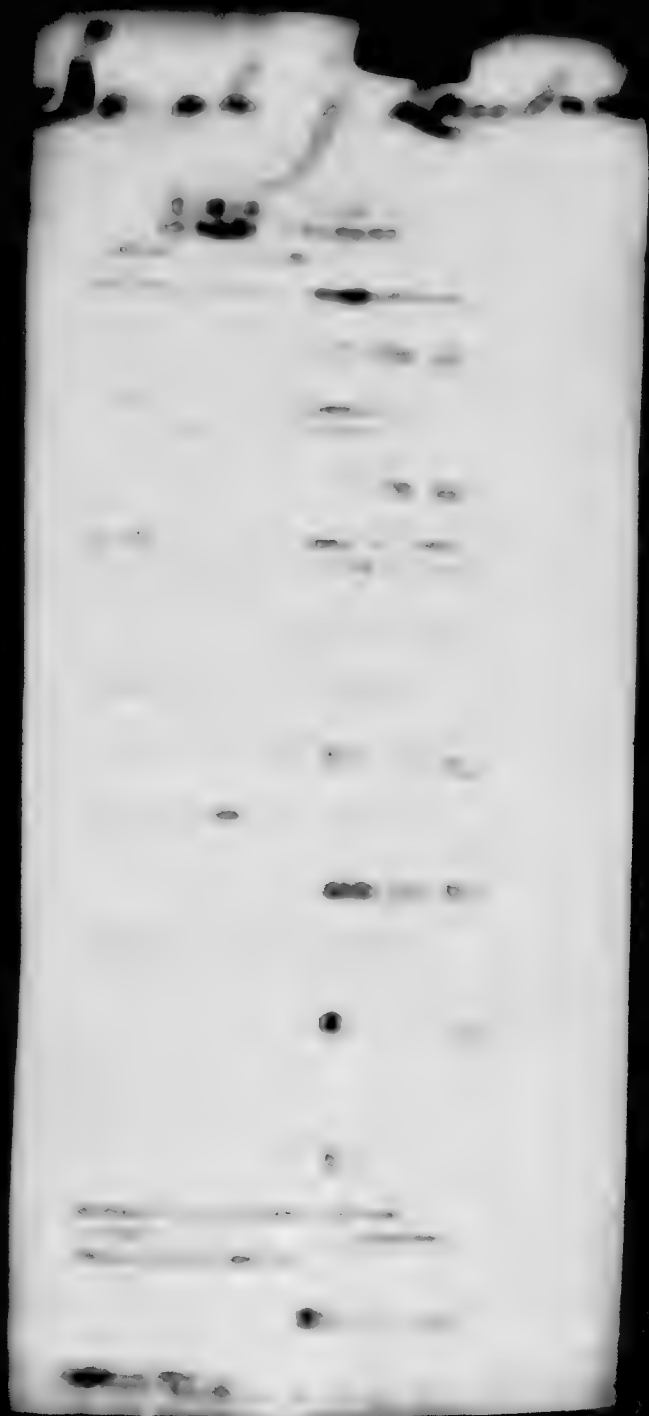
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Choctaw MCR 4714

Lucy Ewings

MCR 4714

4714

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 11, 1902.

In the matter of the application of Lucy E. Ewings for
identification as a Mississippi Choctaw.

Appearances:

S. A. Bealde, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Lucy Ewings, having been first duly sworn, upon her oath
testified as follows:

Examination by the Commission.

- Q What is your name? A Lucy Ewings.
Q How old are you? A About forty eight.
Q How much Choctaw blood have you? A A quarter.
Q What's your post office address? A Bolton, Mississippi.
Q What county? A Hinds County.
Q How long have you lived in Hinds County? A Lived there all my
life.
Q Is your father living? A No, sir.
Q What was his name? A Bill Thomas.
Q Was he a slave? A Yes, sir.
Q Were you? A Little, I reckon.
Q Is your mother living? A Yes, sir.
Q What's her name? A Millie Harper.
Q How much Choctaw blood has she? A Half.
Q Your father had none? A No, sir.
Q You mother has been before the Commission, has she not? A Yes,
sir.
Q What relation are you to Sarah J. Lamber, who just appeared
before the Commission? A Half sister.
Q You have the same mother have you? A Yes, sir.
Q Are you married? A Yes, sir.
Q Your husband living? A Yes, sir.
Q What's his name? A Samuel Ewings.
Q Has he any Choctaw blood? A No, sir.
Q Have you any children under age? A No, sir.
Q This application is for yourself only? A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory
A Not as I know of.
Q Have you ever made any application of any kind before to-day?
A No, sir.
Q Attempting to establish your rights as a Choctaw Indian? A No,
sir.
Q This is the first application of any kind that has ever been made
for you, is it? A Yes, sir.
Q Do you appear before the Commission at this time for the purpose
of claiming rights in the Choctaw lands in Indian Territory under
article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand that 14th article of the treaty of Dancing
Rabbit Creek, do you not? A No, sir.

Lucy Ewings, 2.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, these Indians lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama out west to a new country known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here in Mississippi, what is known as the 14th article was put in the treaty. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand it? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article, or ever receive any benefits thereunder? A Not as I know of.

Q Were any of them living here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A I don't know, sir.

Q Did any of them own an improvement here at that time? A No, sir, not that I know of.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir, not as I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi

Lucy Ewings, # 3.

from the Government of the United States? A Not as I know of.

Q Any of them ever get any money from the Government? A No, sir, not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and on this account the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts ~~which~~ between the years 1837 and 1842, providing for the appointment of commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government. These commissioners were duly appointed by the President of the United States, and came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

An Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A No, sir, not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence which would prove or tend to

Lucy Hwings, 4.

prove such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time?

A No, sir.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before Commission here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time, thereafter, at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make? A No, sir.

Q Nothing further? A No, sir.

Q Do you speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 11th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Franks, Mississippi, this 26th day of February, 1902.

L. B. Massey
Clerk U. S. Circuit Court,
Southern District of Mississippi.

By *[Signature]*

Deputy.

COPY.

M C R 4714

Muskogee, Indian Territory, October 29, 1902.

Lucy Brings,

Bolton, Mississippi.

Dear Madam:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Millie Harper, et al., embracing the following applications for identification as Mississippi Cheetaws:

| | |
|-------------------------|------------|
| Millie Harper, | M C R 4618 |
| Richard Harper, et al., | " 4624 |
| Lucy Brings, | " 4714 |
| Bessie Lambert, et al., | " 4717 |
| Alfred Harper, et al., | " 4720 |
| Millie Daniels, et al., | " 4716 |
| Minnie Mack, et al., | " 4715 |
| William Mack, | " 4721 |
| Mary Lemons, et al., | " 4718 |
| Sarah J. Lambert, | " 4713 |
| Alfred Thomas, et al., | " 4712 |
| William Thomas, | " 4719 |
| Alan Thomas, et al., | " 4626 |
| Maudie Beadle, et al., | " 4629. |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"This Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Harper, Richard Harper, Roberta Harper, Eddie Harper, John Harper, Dan Harper, James L. Harper, Rosie Harper, Jesse Harper, Lucy Ewings, Susie Lambert, Mary Lambert, Squire Lambert, Sophia Lambert, Alfred Harper, William Harper, Johnnie Harper, Moses Harper, Ermine Harper, George Harper, Millie Daniels, Alfred Daniels, Percy Daniels, Susie Belle Daniels, Josie Daniels, Mary L. Daniels, Mintie Mack, Henry Mack, Dock Mack, Alex Mack, Jimmie Mack, William Mack, Mary Lemons, Daisy Lemons, Sarah J. Lambert, Alfred Thomas, Jesse Thomas, Leona Thomas, Sarah Thomas, Floyd Thomas, William Thomas, Alex Thomas, Cuddie Thomas, Maude Beadle, Richard H. Beadle, Samuel M. Beadle, Mariah L. Beadle, Garnett Beadle and Elbert B. Beadle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

John D. ...

Registered.

Acting Chairman.

M.C.R.4714.

COPY.

Muskogee, Indian Territory, March 24, 1903.

Lucy Ewings,

Bolton, Mississippi.

Dear Madam:

You are heroby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Chootaws of the several persons included in the consolidated case of Millie Harper, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

SENT

Tams Bixby.

Chairman.

#1740

No.

4714

For Identification as a Mississippi Choctaw.

Meridian Miss

FEB 11 1902

Date

Name

Lucy Ewings

Age 48

Blood $\frac{1}{4}$

Post Office,

Ballou, Miss.

Father:

Bill Thomas

D

Mother:

Mellie Harper

L

Claims through

mother

(Name)

or

Children:

Stenographer

R. S. Street

Lucy Ewing

REFUSED

DECISION RENDERED OCT 28 1902

NOTICE OF DECISION MAILED APPLICANT ✓

B. 4714 OCT 29 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

OCT 29 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 29 1902

RECORD FORWARDED DEPARTMENT.

NOV 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

REFER TO M. C. R. 4618

Choctaw MCR 4715

Mintie Mack

See MCR 4618

MCR 4715

4715

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 11, 1902.

In the matter of the application of Mintie Mack for the identification of herself and four minor children, Henry, Dock, Alex and Jimmie, as Mississippi Choctaws.

Appearances:

S. A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Mintie Mack, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Mintie Mack.
Q How old are you? A Forty six.
Q How much Choctaw blood have you? A Quarter.
Q What's your post office address? A Bolton, Mississippi.
Q What county? A Hinds County.
Q How long have you lived in Hinds County? A All my days.
Q Were you a slave? A No, sir.
Q Is your father living? A No, sir, he aint living.
Q What was his name? A Bill Thomas.
Q Bill was a slave, wasn't he? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What's her name? A Millie Harper.
Q Was Millie a slave? A Yes, sir.
Q Where does Millie live? A Live in Hinds County, Mississippi.
Q Did your father have any Choctaw blood? A No, sir, not as I know of.
Q Millie has been before the Commission? A Yes, sir.
Q Are you a full sister of Lucy Ewing, who has just been before the Commission? A Yes, sir.
Q And also a full sister of Alfred Thomas, who appeared before us this morning? A Yes, sir.
Q Are you married? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him then? A No, sir.
Q What's his name? A Lewis Mack.
Q Have you been married more than once? A No, sir.
Q Has he? A Yes, sir, he has been married more than once.
Q How many children have you living who are under twenty one years of age and unmarried? A Four.
Q What are their names and ages? A Henry.
Q How old? A Seventeen.
Q Next one? A Dock, he is fourteen.
Q Next one? A Alex.
Q How old? A Ten.
Q Next one? A Jimmie.
Q How old? A He is nine years old.

Mintie Mack, et al., 2.

Q Is that all? A Yes, sir.

Q Are these four children living with you at this time? A Yes, sir.

Q Are they all the children of yourself and Lewis Mack? A Yes, sir.

Q This application, then, is for yourself and four minor children? A Yes.

Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?

A No, sir.

Q Have you ever made any application of any description before today looking to the establishment of your rights as Choctaw Indians?

A No, sir.

Q This, then, is the first application of any kind that has ever been made for any of you? A Yes, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q You understand article 14 of the treaty of Dancing Rabbit Creek, do you not? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits thereunder? A No, sir.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir.

Q Did any of them, in fact, live here at that time, seventy one years ago? A My mother.

Q Well, what other one of your ancestors lived here at that time?

A I don't know, sir.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was made, let the agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir, not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

Q Did any of them ever get any land under any other article of that treaty, or under the supplement to it? A No, sir.

Q Or any money from the Government? A No, sir.

Q So far as you know, then, none of your ancestors, ever received any benefits whatever as Choctaw Indians? A No, sir, not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land under that article. The records of the Government show that this agent failed to register and report to the Government the

Mintie Mack, et al., 3.

names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens, and on this account, the Government at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were appointed, and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A Not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Have you any written evidence of any description which would show or tend to show such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A No sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission at any time before the 15th of this month here at Meridian, Mississippi, or within a reasonable time thereafter at the General Office of

Mintie Mack, et al., 4.

the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time? A No, sir.
- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have you any children ever age? A Yes, sir.
- Q How many? A Nine.
- Q Give us their names, the oldest first A James Spells.
- Q Next one? A Bill Mack.
- Q Next one? A John Mack.
- Q Next one? A Charley Mack.
- Q Next one? A Mary Lemons.
- Q Next one? A Agnes Walker.
- Q Next one? A Isaac Mack.
- Q Next one? A Richard Mack.
- Q Next one? A Maria Smith.
- Q Next one? A That's all of them.
- Q Have any of them been before the Commission? A No, sir.
- Q Are any of them here now? A Two of them here.
- Q What are the names of the two who are here? A Bill Mack and Mary Lemons.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro largely predominates. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as a stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 11th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Franks, Mississippi, this 26th day of February, 1902.

L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

COPY.

M C R 4718

Washago, Indian Territory, October 29, 1902.

Mintie Mack,

Belton, Mississippi.

Dear Madam:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Millie Harper, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|------------|
| Millie Harper, | M C R 4618 |
| Richard Harper, et al., | " 4624 |
| Lucy Brings, | " 4714 |
| Susie Lambert, et al., | " 4717 |
| Alfred Harper, et al., | " 4720 |
| Millie Daniels, et al., | " 4716 |
| Mintie Mack, et al., | " 4715 |
| William Mack, | " 4721 |
| Mary Lemons, et al., | " 4718 |
| Sarah J. Lambert, | " 4713 |
| Alfred Thomas, et al., | " 4712 |
| William Thomas, | " 4719 |
| Alex Thomas, et al., | " 4652 |
| Maude Beadle, et al., | " 4629. |

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

M M 2

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Harper, Richard Harper, Roberta Harper, Eddie Harper, John Harper, Dan Harper, James L. Harper, Rosie Harper, Jesse Harper, Lucy Ewings, Susie Lambert, Mary Lambert, Squire Lambert, Sophia Lambert, Alfred Harper, William Harper, Johnnie Harper, Moses Harper, Ermine Harper, George Harper, Millie Daniels, Alfred Daniels, Percy Daniels, Susie Belle Daniels, Josie Daniels, Mary L. Daniels, Mintie Mack, Henry Mack, Dock Mack, Alex Mack, Jimmie Mack, William Mack, Mary Lemons, Daisy Lemons, Sarah J. Lambert, Alfred Thomas, Jesse Thomas, Leona Thomas, Sarah Thomas, Floyd Thomas, William Thomas, Alex Thomas, Cuddie Thomas, Maude Beadle, Richard H. Beadle, Samuel M. Beadle, Mariah L. Beadle, Garnett Beadle and Elbert B. Beadle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.O.R.4715.

COPY.

Muskogee, Indian Territory, March 24, 1903.

Mintie Mack,

Bolton, Mississippi.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Millie Harper, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

SIGNED

Lorne Binkley

Chairman.

No.

4715

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date

FEB 11 1902

Name *Mintie Mack*

Age 46

Blood $\frac{1}{4}$

Post Office,

Bolton, Miss.

Father:

Bill Thomas D

Mother:

Millie Harper L

Claims through mother
 husband -

Lewis Mack L
 no claim for husband

(Claims of Legitimate Children)

Children:

| | | |
|---------------|-------------|-----------|
| <i>Henry</i> | <i>Mack</i> | <i>17</i> |
| <i>Dock</i> | " | <i>14</i> |
| <i>Alex.</i> | " | <i>10</i> |
| <i>Jimmie</i> | " | <i>9</i> |

Stenographer

R. S. Street

Choctaw MCR 4716

Millie Daniels

See MCR 4618

MCR 4716

4716

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 11, 1902.

In the matter of the application of Millie Daniels for the identification of herself and five minor children, Alfred, Percy, Susie Belle, Josie, and Mary L., as Mississippi Choctaws.

Appearances:

B. A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Millie Daniels, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Millie Daniels.
Q How old are you? A Twenty seven.
Q How much Choctaw blood have you? A One eighth.
Q What's your post office address? A Norrell.
Q What county? A Hinds County.
Q How long have you lived in Hinds County? A All my life.
Q Is your father living? A Yes, sir.
Q What's his name? A Samuel Ewings/
Q Is your mother living? A Yes, sir.
Q What's her name? A Lucy Ewings.
Q Is she the Lucy Ewings who appeared before the Commission here this morning? A Yes, sir.
Q You get your Indian blood solely through your mother? A Yes, sir.
Q Are you married? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q What's his name? A Dersey Daniels.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him? A No, sir.
Q How many children have you living? A Five.
Q Give us their names and ages? A Alfred Daniels; he is six years old.
Q Next one? A Percy.
Q How old? A He's five.
Q Next one? A Susie Belle.
Q How old is Susie Belle? A She's three.
Q Next one? A Josie.
Q How old? A She's two.
Q Next one? A Mary L.
Q How old is Mary L.? A Five months.
Q That all of them now? A Yes, sir.
Q These children all living with you at this time? A Yes, sir.
Q Are they all the children of yourself and Dersey Daniels? A Yes sir.
Q This application is for yourself and five minor children, is that right? A Yes, sir.
Q Is your name, or the name of any one of these children on any of

Millie Daniels, et al., 2.

these children, on any of the Choctaw tribal rolls in Indian Territory? A No, sir.

Q Has any application of any kind ever been made for you before to-day- for yourself or any one of these children - looking to the establishment of your rights as Choctaw Indians? A Not as I know of.

Q This is the first application of any description that has ever been made for any of you? A Yes, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q You understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Have heard it explained several times this morning? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A No, sir.

Q Not that you know of? A No, sir.

Q Did any of them live here seventy one years ago, when this treaty was made? A Not as I know of.

Q Did any of them own an improvement here at that time? A No, sir, not that I know of.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not that I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A Not as I know of.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever get any land here in Mississippi from the Government under any other article of that treaty? A No, sir, not as I know of.

Q Did any of them ever get any money from the Government? A Not as I know of.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

Q You have heard my explanation to the other applicants as to these commissions appointed under the Acts of Congress approved between the years 1837 and 1842? A Yes, sir.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of your ancestors ever get any scrip from the Government of the United States under the Act of Congress approved on the 23rd day of August, 1842? A Not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A Not as I know of.

Millie Daniels, et al., 3.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A No, sir.

Q

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskegee Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make? A No, sir.

Q Have you any brothers living? A Yes, sir.

Q How many? A One.

Q What's his name? A Alfred.

Q Any sisters living? A Yes, sir.

Q How many? A Three.

Q What are their names? A Susie Lambert.

Q Next one? A Katie Lellis.

Q Next? A Belle Isabel.

Q They are all the children of Lucy Ewings, are they? A Yes, sir.

Q Do you speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood. Her hair is black and perfectly straight; her features and facial expressions are those of a negro. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 11th day of February, 1902, and that the above and foregoing is a full, true and correct, translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Franks, Mississippi, this 26th day of February, 1902.

R. S. Streit
L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

Muskogee, Indian Territory, October 29, 1902.

Millie Daniels,

Horrell, Mississippi.

Dear Madam:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Millie Harper, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|------------|
| Millie Harper, | M C R 4618 |
| Richard Harper, et al., | " 4624 |
| Lucy Swings, | " 4714 |
| Susie Lambert, et al., | " 4717 |
| Alfred Harper, et al., | " 4720 |
| Millie Daniels, et al., | " 4716 |
| Mintie Mack, et al., | " 4718 |
| William Mack, | " 4721 |
| Mary Lemons, et al., | " 4718 |
| Sarah J. Lambert, | " 4713 |
| Alfred Thomas, et al., | " 4712 |
| William Thomas, | " 4719 |
| Alex Thomas, et al., | " 4632 |
| Maude Beadle, et al., | " 4829. |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

M D 2

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Harper, Richard Harper, Roberta Harper, Eddie Harper, John Harper, Dan Harper, James L. Harper, Rosie Harper, Jesse Harper, Lucy Ewings, Susie Lambert, Mary Lambert, Squire Lambert, Sophia Lambert, Alfred Harper, William Harper, Johnnie Harper, Moses Harper, Ermine Harper, George Harper, Millie Daniels, Alfred Daniels, Percy Daniels, Susie Belle Daniels, Josie Daniels, Mary L. Daniels, Mintie Mack, Henry Mack, Dock Mack, Alex Mack, Jimmie Mack, William Mack, Mary Lemons, Daisy Lemons, Sarah J. Lambert, Alfred Thomas, Jesse Thomas, Leona Thomas, Sarah Thomas, Floyd Thomas, William Thomas, Alex Thomas, Cuddie Thomas, Maude Beadle, Richard H. Beadle, Samuel M. Beadle, Mariah L. Beadle, Garnett Beadle and Elbert B. Beadle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.O.B. 6716

COPY.

Muskogee, Indian Territory, March 24, 1903.

Millie Daniels,

Norrell, Mississippi.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Millie Harper, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

(SIGNED)

Tams Dixie
Chairman.

For Identification as a Mississippi Choctaw.

Meridian Miss

FEB 14 1902

Date

Name *Millie L. Daniels*

Age 27

Blood *1/8*

Post Office, *Meridian Miss*

Father: *Samuel Ewings* L

Mother: *Lucy* L

Claims through *mother*

Husband:

Dorsey Daniels L

No claim for husband.

Claims: 1. ...

Children:

Leroy

Alfred Daniels L

Leroy 5

Susie B. 3

Josie 2

Mary L 5 mo.

Stenographer

R. S. Street

Choctaw MCR 4717

Susie Lambert

See MCR 4618

MCR 4717

4717

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 11, 1902.

In the matter of the application of Susie Lambert for the identification of herself and three minor children, Mary, Squire and Sophia, as Mississippi Choctaws.

Appearances:

S. A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Susie Lambert, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Susie Lambert.
Q How old are you? A Thirty two.
Q How much Choctaw blood have you? A One eighth.
Q What's your post office address? A Norrell, Mississippi.
Q What county? A Hinds County.
Q How long have you lived in Hinds County? A All my days.
Q Is your father living? A Yes, sir.
Q What's his name? A Samuel Ewings.
Q Is your mother living? A Yes, sir.
Q What's her name? A Lucy Ewings.
Q Is she the Lucy Ewings who appeared before the Commission here this morning? A Yes, sir.
Q Has your father any Choctaw blood? A No, sir.
Q Are you married? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q What's his name? A Squire Lambert.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him? A No, sir.
Q How many children have you living? A Three.
Q What are their names and ages? A Mary, 14.
Q Next one? A Squire Lambert, 9.
Q Next one? A Sophia Lambert, seven.
Q Are these children living with you at this time? A Yes, sir.
Q Are they all the children of yourself and Squire Lambert?
A Yes, sir.
Q This application, then, is for yourself and three minor children, is that right? A Yes, sir.
Q Is your name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory?
A No, sir, not as I know of.
Q Has any application of any description ever been made for yourself or any one of these children looking to the establishment of your rights as Choctaw Indians? A No, sir.
Q This is the first application of any kind that has ever been made for you? A Yes, sir.
Q Do you appear before the Commission at this time for the purpose

Susie Lambert, et al., 2.

of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q You understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q You have heard it explained here several times this morning?

A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A I don't know, sir.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know, sir.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not as I knows of.

Q Did any of them live here in Mississippi in 1830, when this treaty was made? A I don't know, sir.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi under article 14 of the treaty of Dancing Rabbit Creek? A Not as I knows of.

Q Or under any other provision of that treaty? A No, sir, not as I knows of.

Q Any of them ever get any money from the Government? A No, sir.

Q Any of them ever receive any benefits whatever as Choctaw Indians? A No, sir, not as I knows of.

Q You have heard my explanation to these other applicants about the commissioners appointed under Acts of Congress who came down here between the years 1833 and 1842? A Yes, sir.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I knows of.

Q Did any of them ever receive any scrip from the Government of the United States under the Act of Congress approved August, 23, 1842? A Not as I knows of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any description which would prove to tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, at any time before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Susie Lambert, et al., 3.

- Q Are there any further statements you want to make at this time?
A No, sir.
Q Are you a full sister to Millie Daniels, who just appeared before the Commission? A Yes, sir.
Q What's the name of your mother's mother? A Millie Harper.
Q Do you speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 11th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Franks, Mississippi, this 26th day of February, 1902.

L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

COPY.

M C R 4717

Muskogee, Indian Territory, October 29, 1902.

Susie Lambert,

Forrell, Mississippi.

Dear Madam:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Millie Harper, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|------------|
| Millie Harper, | M C R 4618 |
| Richard Harper, et al., | " 4624 |
| Lucy Ewings, | " 4714 |
| Susie Lambert, et al., | " 4717 |
| Alfred Harper, et al., | " 4720 |
| Millie Daniels, et al., | " 4716 |
| Mintie Mack, et al., | " 4715 |
| William Mack, | " 4721 |
| Mary Lemons, et al., | " 4718 |
| Sarah F. Lambert, | " 4713 |
| Alfred Thomas, et al., | " 4712 |
| William Thomas, | " 4719 |
| Alex Thomas, et al., | " 4652 |
| Maudie Beadle, et al., | " 4829. |

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

S L 2

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Harper, Richard Harper, Roberta Harper, Eddie Harper, John Harper, Dan Harper, James L. Harper, Rosie Harper, Jesse Harper, Lucy Swings, Susie Lambert, Mary Lambert, Squire Lambert, Sophia Lambert, Alfred Harper, William Harper, Johnnie Harper, Moses Harper, Ermine Harper, George Harper, Millie Daniels, Alfred Daniels, Percy Daniels, Susie Belle Daniels, Josie Daniels, Mary L. Daniels, Mintie Mack, Henry Mack, Dock Mack, Alex Mack, Jimmie Mack, William Mack, Mary Lemons, Daisy Lemons, Sarah J. Lambert, Alfred Thomas, Jesse Thomas, Leona Thomas, Sarah Thomas, Floyd Thomas, William Thomas, Alex Thomas, Cuddie Thomas, Maude Beadle, Richard H. Beadle, Samuel M. Beadle, Mariah L. Beadle, Garnett Beadle and Elbert B. Beadle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R.4717.

Muskogee, Indian Territory, March 24, 1903.

Susie Lambert,

Norrell, Mississippi.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Millie Harper, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

SIGNED.

Tams Dixby.
Chairman.

#1747

No. 2117

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

FEB 11 1902

Name Susie Lambert

Age 32

Blood $\frac{1}{8}$

Post Office, Marrell, Miss.

Father: Samuel Ewings

Mother: Lucy

Claims through mother.

husband:

Squire Lambert

Not known for husband.

(Claims through mother)

Children:

Mary Lambert 14

Squire "

Sophia "

R. S. Street

Choctaw MCR 4718

Mary Lemons

MCR 4718

4718

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 11, 1902.

In the matter of the application of Mary Lemons for the identification of herself and one minor child, Daisy, as Mississippi Choctaws.

Appearances:

S. A. Bealde, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Mary Lemons, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Lemons.
Q How old are you? A Twenty six.
Q How much Choctaw blood have you? A One eighth.
Q What's your post office address? A Bolton, Hinds County.
Q How long have you lived in Hinds County, Mississippi? A All my days.
Q Is your father living? A Yes, sir.
Q What's his name? A Lewis Mack.
Q Is your mother living? A Yes, sir.
Q What's her name? A Mintie Mack.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q Is the Mintie Mack who appeared before the Commission here this morning your mother? A Yes, sir.
Q What's the name of your mother's mother? A Millie Harper.
Q Are you married? A Yes, sir.
Q Husband living? A Yes, sir.
Q What's his name? A Albert Lemons.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him then? A No, sir.
Q How many children have you living? A One.
Q What the name of that child? A Daisy Lemons.
Q How old is Daisy? A Eleven years old.
Q Is she living with you at this time? A Yes, sir.
Q Is she the child of yourself and Albert Lemons? A Yes, sir.
Q This application, then, is for yourself and one minor child is that right? A Yes, sir.
Q Is your name, or the name of this child on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
Q Has any application ever been made for yourself or this child for the purpose of establishing your rights as Choctaw Indians? A No, sir, not as I know of.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and this child under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Mary Lemons, et al., 2.

Q You understand article 14 of the treaty of Dancing Rabbit Creek, do you not? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A Not as I knows of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year, 1830, when this treaty was made? A Not as I knows of.

Q Did any of them live here at that time? A Not as I knows of.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not as I knows of.

Q Did any of your Choctaw ancestors, let the agent of the Government here in Mississippi for the Choctaws, know, within six months after the treaty of Dancing Rabbit Creek was ratified, that they wanted to stay here in Mississippi and become citizens of the States and take land under article 14 of the treaty? A Not as I knows of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I knows of.

Q Or under any other provisions of that treaty? A No, sir.

Q Any of them ever get any money from the Government? A No, sir, not as I knows of.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q You have heard my explanation to these other applicants as to the commissions appointed under the Acts of Congress between the years 1837 and 1842, have you not? A Yes, sir.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I knows of.

Q Did any of them ever get any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A Not as I knows of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any kind which would prove to tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time?

A No, sir.

Q Have you any witnesses here to-day to testify in your case?

A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commissioner here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Mary Lemons, et al., 3.

- Q Are there any further statements you want to make at this time?
A No, sir.
Q Have you a brother named Henry Mack? A Yes, sir.
Q Dock Mack? A Yes, sir.
Q Alex Mack? A Yes, sir.
Q Jimmie? A Yes, sir.
Q Any of these children over twenty one? A No, sir.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates. She does not speak or understand the Choctaw language..)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 11th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Franks, Mississippi, this 26th day of February, 1902.

L. B. Moody

Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

COPY

M C R 4710

Muskogee, Indian Territory, October 29, 1902.

Mary Lemons,

Bolton, Mississippi.

Dear Madam:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Millie Harper, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|------------|
| Millie Harper, | M C R 4618 |
| Richard Harper, et al., | " 4624 |
| Lucy Ewings, | " 4714 |
| Bessie Lambert, et al., | " 4717 |
| Alfred Harper, et al., | " 4720 |
| Millie Daniels, et al., | " 4716 |
| Mintie Mack, et al., | " 4718 |
| William Mack, | " 4721 |
| Mary Lemons, et al., | " 4718 |
| Sarah J. Lambert, | " 4713 |
| Alfred Thomas, et al., | " 4712 |
| William Thomas, | " 4719 |
| Alex Thomas, et al., | " 4652 |
| Maude Beadle, et al., | " 4829. |

These applications were made under the provision of the act of Congress of June 28, 1902 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

M L 2

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Harper, Richard Harper, Roberta Harper, Eddie Harper, John Harper, Dan Harper, James L. Harper, Rosie Harper, Jesse Harper, Lucy Ewings, Susie Lambert, Mary Lambert, Squire Lambert, Sophia Lambert, Alfred Harper, William Harper, Johnnie Harper, Moses Harper, Ermine Harper, George Harper, Willie Daniels, Alfred Daniels, Percy Daniels, Susie Belle Daniels, Josie Daniels, Mary L. Daniels, Mintie Mack, Henry Mack, Dook Mack, Alex Mack, Jimmie Mack, William Mack, Mary Lemons, Daisy Lemons, Sarah J. Lambert, Alfred Thomas, Jesse Thomas, Leona Thomas, Sarah Thomas, Floyd Thomas, William Thomas, Alex Thomas, Cuddie Thomas, Maude Beadle, Richard H. Beadle, Samuel M. Beadle, Mariah L. Beadle, Garnett Beadle and Elbert B. Beadle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

W. C. B.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R.4718.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 24, 1903.

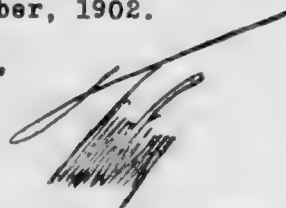
Mary Lemons,

Bolton, Mississippi.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Millie Harper, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,



Chairman.

4/7/02

No. 4718

For Identification as a Mississippi Choctaw.

Meridian Miss. FEB 11 1902

Date

Name Mary Limond

Age 26 Blood 1/8

Post Office, Bollor., Miss.

Father: Lewis Mack S

Mother: Mintie " L

Claims through mother
husband.

(Albert Limond S)
(No claims for husband.)

Children:

Daisy Limond //

Stenographer

R. S. Strus

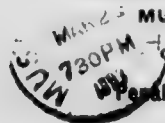
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mary Semans
Dollan
Miss

4718



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 8 1903

A handwritten signature, possibly 'W. H. H.', written in dark ink.

CHAIRMAN.



Mary Lemons, et al

REFUSED

DECISION RENDERED. OCT 29 1902

NOTICE OF DECISION MAILED APPLICANT.

R 4718 OCT 29 1902

NOTICE OF DECISION FORWARDED
ATTORNEY

OCT 29 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKSAW NATIONS.

OCT 29 1902

RECORD FORWARDED DEPARTMENT.

NOV 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT FOR CHOCTAW
AND CHICKSAW NATIONS

MAR 24 1903

REFER TO M. C. R.

Choctaw MCR 4719

William Thomas

See MCR 4618

MCR 4719

4719

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 11, 1902.

In the matter of the application of William Thomas for identification as a Mississippi Choctaw.

Appearances:

S.A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

William Thomas, having been first duly sworn, upon his oath states as follows:

Examination by the Commission.

- Q What is your name? A William Thomas.
Q How old are you? A About twenty eight, I think.
Q How much Choctaw blood have you? A One eighth.
Q What's your post office address? A Bolton, Mississippi.
Q What county? A Hinds County.
Q How long have you lived in Hinds County, Mississippi? A I have been living there about three years.
Q Where did you live before that? A Rankin County.
Q How long did you live in Rankin County? A Been living in Rankin all my life until about three years ago.
Q Is your father living? A Yes, sir.
Q What's his name? A Alfred Thomas.
Q Is he the Alfred Thomas who appeared before the Commission here this morning? A Yes, sir.
Q Is your mother living? A No, sir.
Q What was her name? A Sallie Thomas.
Q You get your Choctaw blood solely through your father? A Yes, sir.
Q Your mother had none? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother. This evidence should be furnished within thirty days from this date, if possible.

- Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q What's her name? A Rachel Thomas.
Q Has she any Choctaw blood? A No, sir.
Q You make no claim for her? A No, sir.
Q Have you any children? A No, sir.
Q This application is for yourself only? A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir, I don't know.
Q Have you ever made any application of any description before to-day trying to establish your rights as a Choctaw Indian? A No, sir.

William Thomas, 2.

Q This is the first application of any kind that has ever been made for you, is it? A Yes, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q You understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir, I heard it explained several times this morning.

Q Did any of your ancestors ~~app~~ ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not that I know of.

Q Did any of them, remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir, not that I know of.

Q Did any of them live here in the old Choctaw Nation, in 1830, when this treaty was made? A No, sir, not to my knowledge.

Q Any of your ancestors ever get any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did you ever hear of any of your people ever having gotten any land here in Mississippi from the Government? A No, sir.

Q Or any money from the Government? A No, sir.

Q You have heard my explanation as to certain commissions having been appointed here in Mississippi between the years 1837 and 1842 under the Acts of Congress for the purpose of hearing Choctaw claims? A Yes, sir.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

Q Did any of your ancestors ever get any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A Not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any kind which would show or tend to show such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time? A No, sir.

Q Have you any witnesses? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission, here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time? A No, sir.

William Thomas, #3.

Q Do you speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 11th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings, in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Franks, Mississippi, this 26th day of February, 1902.

L. B. Moseley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

Waskagee, Indian Territory, October 29, 1902.

William Thomas,

Bolton, Mississippi.

Dear Sir:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Millie Harper, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|------------|
| Millie Harper, | M C R 4618 |
| Richard Harper, et al., | " 4624 |
| Lucy Swings, | " 4714 |
| Susie Lambert, et al., | " 4717 |
| Alfred Harper, et al., | " 4720 |
| Millie Daniels, et al., | " 4716 |
| Mintie Mack, et al., | " 4715 |
| William Mack, | " 4721 |
| Mary Lemons, et al., | " 4718 |
| Sarah J. Lambert, | " 4713 |
| Alfred Thomas, et al., | " 4712 |
| William Thomas, | " 4719 |
| Alex Thomas, et al., | " 4652 |
| Maude Beadle, et al., | " 4629. |

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

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seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Harper, Richard Harper, Roberta Harper, Eddie Harper, John Harper, Dan Harper, James L. Harper, Rosie Harper, Jesse Harper, Lucy Ewings, Susie Lambert, Mary Lambert, Squire Lambert, Sophia Lambert, Alfred Harper, William Harper, Johnnie Harper, Moses Harper, Ermine Harper, George Harper, Millie Daniels, Alfred Daniels, Percy Daniels, Susie Belle Daniels, Josie Daniels, Mary L. Daniels, Mintie Mack, Henry Mack, Dock Mack, Alex Mack, Jimmie Mack, William Mack, Mary Lemons, Daisy Lemons, Sarah J. Lambert, Alfred Thomas, Jesse Thomas, Leona Thomas, Sarah Thomas, Floyd Thomas, William Thomas, Alex Thomas, Cuddie Thomas, Maude Beadle, Richard H. Beadle, Samuel M. Beadle, Mariah L. Beadle, Garnett Beadle and Elbert B. Beadle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

COPY

M.C.R. 4712

Muskogee, Indian Territory, March 24, 1903.

William Thomas,

Bolton, Mississippi.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Millie Harper, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

Tame Bixby.
Chairman.

No. 4719

For Identification as a Mississippi Choctaw.

Meridian Miss

Date FEB 11 1902

Name *William Thomas*

Age *28* Blood *1/8*

Post Office, *Barton, Miss.*

Father: *Olfred Thomas* *L*

Mother: *Sallie* *"* *d.*

Claims through *father*
wife Rachel Thomas *r*
(No claim for wife.)

Claim *...*

Children:

Stenographer

R. S. Strick

Choctaw MCR 4720

Alfred Harper .

MCR 4720

4720

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 11, 1902.

In the matter of the application of Alfred Harper for the identification of himself and five minor children, William, Johnnie, Moses, Ermine and George, as Mississippi Choctaws.

Appearances:

S. A. Beadle, Attorney for Applicant.
A. W. Jones, Attorney for Applicant.

Alfred Harper, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Alfred Harper.
Q How old are you? A I am twenty nine years old.
Q How much Choctaw blood have you? A Well, I don't know, sir.
Q What's your post office address? A Norrell, Mississippi.
Q What county? A Hinds County.
Q How long have you lived in Hinds County? A All my life.
Q Is your father living? A Yes, sir.
Q What's his name? A Moses Harper.
Q Your mother living? A Yes, sir.
Q What's her name? A Lucy Ewing.
Q Is the Lucy Ewing who appeared before the Commission here this morning your mother? A Yes, sir.
Q You get your Choctaw blood solely through her? A Yes, sir.
Q Well, Lucy is a quarter blood Choctaw, is she? A Yes, sir.
Q Well, how much would that make you? A I don't know, sir.
Q It would be one eighth, wouldn't it? A Yes, sir.
Q Your father has no Choctaw blood? A No, sir.
Q Your mother was a slave, was she? A Well, a little, not much.
Q Through which one of her parents did she get her Choctaw blood?
A Her mother.
Q What was her name? A Millie Harper.
Q She has been before the Commission too? A Yes, sir.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q What's her name? A Judy.
Q Has she any Choctaw blood? A No, sir.
Q You make no claim for her, then? A No, sir.
Q Not at all? A No, sir.
Q Any children? A Yes, sir.
Q How many? A Five.
Q All living? A Yes, sir.
Q What are their names and ages? A William.
Q How old? A He is seven years old.
Q Next? A Johnnie, six years old.
Q Boy? A Yes, sir.
Q Next one? A Moses.
Q How old? A Four years old.

Alfred Harper, et al., 2.

- Q Next one? A Ermine.
Q How old? A Two years old.
Q Next one? A George.
Q How old? A Six months old.
Q Just one girl? A Yes, sir.
Q Ermine? A Yes, sir.
Q Are these children all living with you at this time? A Yes, sir.
Q Are they all the children of yourself and Judy Harper? A Yes, sir.
Q Were you married to her under a license? A Yes, sir.
Q Where? A At Home.
Q Where were you married to her? A In Hinds County, Mississippi.
Q Who married you? A Elder Vert Johnson.
Q Minister of the Gospel? A Yes, sir.
Q Have you your license and certificate with you? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Judy, for use in connection with the application which you make in behalf of your minor children. This evidence should be furnished within thirty days from this date, if possible.

- Q This application is for yourself and five minor children, is that right? A Yes, sir, that's right.
Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?
A No, sir.
Q Has any application of any description ever been made for yourself or any of these children for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.
Q This is the first application of any kind that has ever been made for any of you? A Yes, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in that treaty. That 14th article is as follows:

Alfred Harper, et al., 3.

"Each Choctaw head of a family being desirous to remain a and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir.

Q Did any of them live here at that time? A Not as I know of.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir, not as I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government, here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No, sir, not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Or under any other provision of that treaty? A Not that I know of.

Q Did any of them ever get any money from the Government? A Not that I know of.

Q So far as you know, then, none of your ancestors ever received any benefits as Choctaw Indians? A No, sir, not that I know of.

Q You hear my explanation to several other applicants about the commissioners that were appointed under the Act of Congress between the years 1837 and 1842, and came down here to Mississippi and heard a lot of Choctaw cases, did you not? A Yes, sir.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of them ever get any scrip from the Government of the

Alfred Harper, et al., 4.

United States under the Act of Congress approved August 23, 1842?

A Not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A No, sir.

Q

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?

A No, sir.

Q Do you speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being a negro, and shows very little, if any, indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 11th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Franks, Mississippi, this 26th day of February, 1902.

R. S. Streit
L. D. Mosley
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

COPY.

M C R 4720

Muskogee, Indian Territory, October 29, 1902.

Alfred Harper,

Merrell, Mississippi.

Dear Sir:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Millie Harper, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|------------|
| Millie Harper, | M C R 4618 |
| Richard Harper, et al., | " 4624 |
| Lucy Ewings, | " 4714 |
| Susie Lambert, et al., | " 4717 |
| Alfred Harper, et al., | " 4720 |
| Millie Daniels, et al., | " 4716 |
| Mintie Mack, et al., | " 4715 |
| William Mack, | " 4721 |
| Mary Lamons, et al., | " 4718 |
| Sarah J. Lambert, | " 4713 |
| Alfred Thomas, et al., | " 4712 |
| William Thomas, | " 4719 |
| Alex Thomas, et al., | " 4652 |
| Maudie Beadle, et al., | " 4829. |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Harper, Richard Harper, Roberta Harper, Eddie Harper, John Harper, Dan Harper, James L. Harper, Rosie Harper, Jesse Harper, Lucy Swings, Susie Lambert, Mary Lambert, Squire Lambert, Sophia Lambert, Alfred Harper, William Harper, Johnnie Harper, Moses Harper, Ermine Harper, George Harper, Millie Daniels, Alfred Daniels, Percy Daniels, Susie Belle Daniels, Josie Daniels, Mary L. Daniels, Mintie Mack, Henry Mack, Dock Mack, Alex Mack, Jimmie Mack, William Mack, Mary Lemons, Daisy Lemons, Sarah J. Lambert, Alfred Thomas, Jesse Thomas, Leona Thomas, Sarah Thomas, Floyd Thomas, William Thomas, Alex Thomas, Cuddie Thomas, Maude Beadle, Richard H. Beadle, Samuel M. Beadle, Mariah L. Beadle, Garnett Beadle and Elbert B. Beadle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

George E. Bledsoe

Acting Chairman.

Registered.

N.O.R. 4720.

COPY.

Muskogee, Indian Territory, March 24, 1903.

Alfred Harper.

Merrell, Mississippi.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Millie Harper, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

(SIGNED).

Jams Bixby.
Chairman.

#1746

No. 4720

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

FEB 11 1902

Name

Alfred Harper

Age

29

Blood

 $\frac{1}{8}$

Post Office,

Worrell, Ala.

Father: Moses Harper

L

Mother: ~~Mr~~ Lucy Ewingo

L

Claims through mother
wife:

Judy Harper

L

No claim for wife.

Claims for self and 5 children

Children:

William Harper

7

Johnnie

"

(M)

6

Moses

"

4

Ezra

"

(F)

2

George

"

6 mo.

Stenographer

R. S. Street

Alfred Harper et al

REFUSED

DECISION RENDERED OCT 2 1902
NOTICE OF DECISION MAILED APPLICANT.

R. 472 OCT 29 1902

NOTICE OF DECISION FORWARDED TO
ATTORNEYS.

OCT 29 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 29 1902

RECORD FORWARDED DEPARTMENT.

NOV 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

REFER TO M. C. R.

Choctaw MCR 4721

William Mack

MCR 4721

4721

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 11, 1902.

In the matter of the application of William Mack for
identification as a Mississippi Choctaw.

Appearances:

S. A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

William Mack, having been first duly sworn, upon his oath
testified as follows:

Examination by the Commission.

- Q What is your name? A William Mack, commonly known as Bill Mack.
Q How old are you? A Thirty one.
Q How much Choctaw blood have you? A One eighth.
Q What's your post office address? A Belton, Mississippi.
Q How long have you lived in Hinds County, Mississippi? A Been
living there all my life.
Q Is your father living? A Yes, sir.
Q What's his name? A Lewis Mack.
Q Your mother living? A Yes, sir.
Q What's her name? A Mintie Mack.
Q Is she the Mintie Mack who appeared before the Commission here
this morning? A Yes, sir.
Q Your father has no Choctaw blood? A No, sir.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q What's her name? A Anna Mack.
Q Has she any Choctaw blood? A No, sir.
Q You make no application for her, then? A No, sir.
Q Have you any children? A No, sir.
Q This application, then, is for yourself only, is it? A Yes,
sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Terri-
tory? A No, sir.
Q Has any application of any description ever been made for you
before to-day looking to the establishment of your rights as a
Choctaw Indian? A No, sir.
Q Do you appear before the Commission at this time for the purpose
of claiming rights in the Choctaw lands in Indian Territory, under
article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that 14th article of the treaty of Dancing Rabbit
Creek? A Yes, sir.
Q You have heard it explained here to different applicants - your
relatives - several times this morning? A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with
the provisions of this 14th article, of the treaty of Dancing
Rabbit Creek, or ever receive any benefits thereunder? A Not that
I knows of.
Q What's the name of your mother's mother? A Millie Harper.

William Mack, 2.

Q Did any of your ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?

A Not that I knows of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir, not that I knows of.

Q Did any of them live here at that time? A No, sir, not that I knows of.

Q Did any of your ancestors, within six months, after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not that I knows of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States, under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I knows of.

Q Did any of them ever get any money from the Government? A No, sir, not that I knows of.

Q Did any of them ever get any land here in Mississippi under any other provisions? A No, sir.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

Q You have heard my explanation to the other applicants here this morning of the commissions that were appointed under Acts of Congress and came down here to Mississippi between the years 1837 and 1842, have you not? A Yes, sir.

Q Did any of your ancestors appear before any of these commissions and attempt to establish their rights as Choctaw Indians, under article 14 of the treaty of Dancing Rabbit Creek? A Not that I knows of.

Q Did any of your ancestors ever get any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A Not that I knows of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any kind which would prove to tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time? A No, sir.

Q Do you speak or understand the Choctaw language? A No, sir.

William Mack, 3.

(This applicant has the appearance of being a negro, and shows very little, if any, indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 11th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings, in said cause, upon said date.

R. S. Streit
Subscribed and sworn to before me at Franks, Mississippi, this 26th day of February, 1902.

L. B. Mosley,
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

COPY.

M C R 4721

Muskogee, Indian Territory, October 29, 1902.

William Mack,

Belton, Mississippi.

Dear Sir:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Millie Harper, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|------------|
| Millie Harper, | M C R 4618 |
| Richard Harper, et al., | " 4624 |
| Lucy Ewings, | " 4714 |
| Susie Lambert, et al., | " 4717 |
| Alfred Harper, et al., | " 4720 |
| Millie Daniels, et al., | " 4716 |
| Mintie Mack, et al., | " 4715 |
| William Mack, | " 4721 |
| Mary Lemons, et al., | " 4718 |
| Sarah J. Lambert, | " 4713 |
| Alfred Thomas, et al., | " 4712 |
| William Thomas, | " 4719 |
| Alex Thomas, et al., | " 4652 |
| Maude Beadle, et al., | " 4829. |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

W M 2

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Harper, Richard Harper, Roberta Harper, Eddie Harper, John Harper, Dan Harper, James L. Harper, Rosie Harper, Jesse Harper, Lucy Ewings, Susie Lambert, Mary Lambert, Squire Lambert, Sophia Lambert, Alfred Harper, William Harper, Johnnie Harper, Moses Harper, Ermine Harper, George Harper, Millie Daniels, Alfred Daniels, Percy Daniels, Susie Belle Daniels, Josie Daniels, Mary L. Daniels, Mintie Mack, Henry Mack, Dock Mack, Alex Mack, Jimmie Mack, William Mack, Mary Lemons, Daisy Lemons, Sarah J. Lambert, Alfred Thomas, Jesse Thomas, Leona Thomas, Sarah Thomas, Floyd Thomas, William Thomas, Alex Thomas, Cuddie Thomas, Maude Beadle, Richard H. Beadle, Samuel M. Beadle, Mariah L. Beadle, Garnett Beadle and Elbert B. Beadle as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.O.R. 4721.

COPY.

Muskogee, Indian Territory, March 24, 1903.

William Mack,

Bolton, Mississippi.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Millie Harper, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

James Bixby.
Chairman.

#1747

No.

4721

For Identification as a Mississippi Choctaw.

Meridian Miss

FEB 11 1902

Date

Name

William Mack

Age

31

Blood

1/8

Post Office,

Bolton, Miss.

Father:

Lewis Mack L

Mother:

Mintie " L

Claims through

mother

wife

Anna Mack L

no claim for wife.

Claim in self only

Children:

Stenographer

R. S. Street

William McK

REFUSED

DECISION RENDERED. OCT 29 1902
NOTICE OF DECISION MAILED APPLICANT.

B. 4721 OCT 29 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

OCT 29 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 29 1902

RECORD FORWARDED DEPARTMENT.

NOV 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 24 1903

REFER TO M. O. R. 46/8

Choctaw

MCR 4722

Anton Ealy

See MCR 4723, 4731, 5357
4725, 4730, 5481, 4724

MCR 4722

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Anton Ealy, et al., for identification as Mississippi Choctaws, consolidating the applications of

| | |
|----------------------------|--------------|
| Anton Ealy, et al..... | M.C.R. 4722 |
| Mary Carroll, et al..... | M.C.R. 4723 |
| Mary R. Bolton, et al..... | M.C.R. 4721 |
| Nancy Deben, et al..... | M.C.R. 3357 |
| Joseph Ealy, et al..... | M.C.R. 4725 |
| William Ealy, et al..... | M.C.R. 4730 |
| Edwena Ealy, et al..... | M.C.R. 8481 |
| Eliza Gaff, et al..... | M.C.R. 4724. |

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Anton Ealy, et al.

| | |
|---|----|
| Original application of Anton Ealy, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 1 |
| Testimony of James Ware..... | 8 |
| Testimony of Edward H. Carlisle..... | 10 |
| Original application of Mary Carroll, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 13 |

(2).

| | |
|---|----|
| Original application of Mary R. Belton, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 18 |
| Original application of Nancy Dobson, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 21 |
| Original application of Joseph Ealy, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 25 |
| Testimony of James Ware..... | 29 |
| Certified copy of the marriage record of Joseph Ealy and Catharine O. Reisinger..... | 31 |
| Original application of William Ealy, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 32 |
| Certified copy of the marriage record of William Ealy and Eliza Dobson..... | 36 |
| Original application of Eldwena Ealy, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 37 |
| Original application of Eliza Goff, et al., to the Dawes Commission for identification as Mississippi Choctaws..... | 41 |
| Decision of the Commission denying the applications in the consolidated case of Anton Ealy, et al., for identification as Mississippi Choctaws..... | 44 |

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Anton Ealy, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

| | |
|-------------------------|-------------|
| Anton Ealy, et al., | M.C.R. 4722 |
| Mary Carroll, et al., | M.C.R. 4723 |
| Mary R. Belton, et al., | M.C.R. 4731 |
| Nancy Dobson, et al., | M.C.R. 5357 |
| Joseph Ealy, et al., | M.C.R. 4725 |
| William Ealy, et al., | M.C.R. 4730 |
| Eldwena Ealy, et al., | M.C.R. 5481 |
| Eliza Goff, et al., | M.C.R. 4724 |

List of papers forwarded to the Secretary of the Interior comprising the record in the above consolidated case.

(Page)

| | |
|---|----|
| Original application of Anton Ealy, et al.,
to the Dawes Commission for identification
as Mississippi Choctaws----- | 1 |
| Testimony of James Ware----- | 8 |
| Testimony of Edward H. Carlisle----- | 11 |
| Original application of Mary Carroll, et
al., to the Dawes Commission for identi-
fication as Mississippi Choctaws----- | 14 |
| Original application of Mary R. Belton, et
al., to the Dawes Commission for identifi-
cation as Mississippi Choctaws----- | 19 |

| | |
|--|----|
| Original application of Nancy Dobson, et al., to the Dawes Commission for identification as Mississippi Choctaws----- | 22 |
| Original application of Joseph Ealy, et al., to the Dawes Commission for identification as Mississippi Choctaws----- | 26 |
| Testimony of James Ware----- | 30 |
| Certified copy of the marriage record of Joseph Ely and Catherine O. Bobinger----- | 32 |
| Original application of William Ealy, et al., to the Dawes Commission for identification as Mississippi Choctaws----- | 33 |
| Certified copy of the marriage record of William Ely and Eliza Dobson----- | 37 |
| Original application of Eldwena Ealy, et al., to the Dawes Commission for identification as Mississippi Choctaws----- | 38 |
| Original application of Eliza Goff, et al., to the Dawes Commission for identification as Mississippi Choctaws----- | 42 |
| Written motion for continuance of 30 days----- | 45 |
| Order for continuance----- | 46 |
| Decision of the Commission refusing the applications in the consolidated case of Anton Ealy, et al., for identification as Mississippi Choctaws----- | 47 |

4722

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 11, 1902.

In the matter of the application of Anton Ealy for the identification of himself and wife, Madaline, as Mississippi Choctaws.

Appearances:

J. R. Holcomb, Attorney for Applicant.

Anton Ealy, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Anton Ealy.
- Q How old are you? A I will be seventy three years old if I live to see the 31st day of June.
- Q How much Choctaw blood have you? A Well, about a half, or little over a half.
- Q What's your post office address? A Van Cleave, Mississippi.
- Q What county? A Jackson County.
- Q How long have you lived in the State of Mississippi? A Well, sir, I been there all my life.
- Q Right in that county? A Yes, sir.
- Q Is your father living? A No, sir, been dead long ago.
- Q What was his name? A Sylister Ealy.
- Q Is your mother living? A No, sir, dead.
- Q What was her name? A Mary Ealy.
- Q Through which one of your parents did you get your Choctaw blood? A My father's side.
- Q Your mother was a white woman? A Yes, sir.
- Q Was your father a full blood Choctaw Indian? A No, sir, not quite full blood.
- Q How much Indian blood do you think he had? A Three quarters, or a little more; I don't know, exactly.
- Q How long has he been dead? A I don't know exactly, sir, I couldn't tell exactly the day he died.
- Q Did he die before or after the Civil War? A Before.
- Q About how long before that do you think? A About four years before the war.
- Q About how old was he at that time? A Well, I don't know, sir; he must have been a man seventy or seventy some odd years old.
- Q Where was he born? A Born right down there too.
- Q In that county? A Yes, sir.
- Q Lived there all his life? A Yes, sir; all his life.
- Q Was he married lawfully to your mother? A Yes, sir.
- Q How long did they live together as man and wife? A When one of them died; my father died first.
- Q Do you know about how long they lived together? A No, sir.
- Q Do you know how many children were born to them? A Yes, sir, they had seven.
- Q Have you any evidence of their marriage? A No, sir.
- Q Do you know the name of your father's parents? A Yes, sir, the

Anton Ealy, et al., 2.

- Q Give us their names; your father's father and mother? A Battiest Ealy.
- Q How long has your father's father been dead? A I couldn't tell you; that was long ago.
- Q Do you remember him? A No, sir.
- Q Died when you were a child? A Yes, sir.
- Q How much Choctaw blood did he have? A I couldn't say; he had some Choctaw blood in him, but the most of it come from his mother.
- Q What was your father's mother's name? A Mezah Ealy.
- Q Do you remember her? A No sir.
- Q Don't remember your father's mother? A Oh! yes, sir; I remember her very well.
- Q She was a full blood Choctaw Indian? A Yes, sir.
- Q Did she speak or understand the Choctaw language? A Yes, sir, she did, and my father too.
- Q Did your father's father and mother always live in Mississippi? A Yes sir.
- Q You don't know just how much Choctaw blood Battiest Ealy had? A No, sir, I don't know, exactly.
- Q Do you know the names of his parents? A No, sir, no more than Ealys.
- Q What other blood did he have? A French.
- Q Are you married? A Yes, sir.
- Q Is your wife living? A Yes, sir.
- Q Has she any Choctaw blood? A Yes, sir.
- Q How much? A One quarter, sir.
- Q What's her name? A Madaline Ealy.
- Q Do you want to make application for her too? A Yes, sir.
- Q How old is she? A She's about sixty eight or sixty nine.
- Q You are living together now, are you? A Oh! yes, sir.
- Q How long have you lived together? A Been together about fifty one or two years.
- Q Were you married under a license? A Yes, sir.
- Q Where? A At Soranton, they call it now.
- Q Soranton, Mississippi? A Yes, sir.
- Q Who married you? A I don't remember now the name of the officer; its been a good while back.
- Q A preacher or justice of the peace? A A kind of a priest; we always claim catholic, you know.
- Q You haven't that license and certificate here have you? A No, sir.
- Q Have you any minor children? A No, sir.
- Q You have children who are over age, have you? A Yes, sir.

In their cases, it will be necessary to prove the marriage of yourself and Madaline. It will be well for you to furnish this Commission with such evidence within thirty days from this date, if possible.

- Q How long has Madaline lived in Jackson County, Mississippi? A Been raised there.
- Q Lived there all her life? A Yes, sir.
- Q What other blood has she besides Choctaw? A French too.
- Q Does she speak or understand the Choctaw language? A No, sir.
- Q Do you? A No, sir, I used to know a few words in it, but I have forgot allosf them.

Anton Ealy, et al., 3.

- Q Through which one of her parents did she get her Choctaw blood?
A From her father.
Q What was his name? A Ezien Bang.
Q How much Choctaw blood did he have? A Well, he was half.
Q How long has he been dead? A I couldn't say neither; its been pretty far back.
Q Did he speak or understand the Choctaw language? A No, sir, he didn't.
Q Is your wife's mother living? A No, sir.
Q What was her name? A Rose.
Q She had no Choctaw blood? A Yes, sir.
Q How much? A That's where my wife come's in there.
Q How much Choctaw blood did Rose have? A Half, sir.
Q You are sure your wife's father had Choctaw blood, too? A Yes, sir.
Q She must be half herself then is she? A Yes, sir, that's the way I claim.
Q I understood you to say a quarter a while ago? A I mean a half.
Q Did Rose speak or understand the Choctaw language? A No, sir.
Q What was her blood; French, and Choctaw too? A Yes, sir.
Q Did she and you wife's father always live in Mississippi? A Yes, sir, always, sir.
Q Always lived down there in Jackson County? A Yes, sir.
Q Do you know the names of the parents of Ezien Bangs? A No, sir, outside of the Bangs.
Q Or of Rose? A No, sir.
Q This application is for yourself and wife only? A Yes, sir.
Q Is your name, or your wife's name on any of the Choctaw tribal rolls in Indian Territory? A No sir, never did.
Q Has any application of any description ever been made for yourself or wife before to-day for the purpose of establishing your rights as Choctaw Indians? A No, sir, never did.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and wife, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek?
A I don't know, sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, over seventy one years ago, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from this country out west of the Mississippi River to what is now known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one

Anton Raly, et al., 4.

section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner ~~shall~~ shall be entitled to one-half that quantity for each child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under that article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?

A No, sir.

Q Are you quite sure of that? A I believe, as far as I know about it.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir, I couldn't tell you that neither.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir.

Q Where were your father and mother living seventy one years ago, when you were a year old? A At a place they called John's Bayou, in Jackson County, Mississippi.

Q Did they own an improvement there at that time? A No, sir.

Q They did not? A No, sir.

Q Where were your wife's people living at that time? A All right along there, close neighbors.

Q Did they own an improvement there then? A No, sir.

Q Your people rented land, or just settled? A Just settled on public land, you know.

Q Do you own any land there now? A Yes, sir.

Q How did you get that? A Homesteaded one piece.

Q Did any of your wife's ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A No, sir.

Q Did any of them remove from the old Choctaw Nation out west to the new nation? A No, sir, none of them ever did.

Q Did any of your ancestors, or any of your wife's ancestors, ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Did any of them ever get any land from the Government under any other article of that treaty, or under the supplement to the treaty? A No, sir.

Q Any of them ever get any money from the Government? A No, sir.

Q So far as you know, then, none of your ancestors or your wife's ancestors ever received any benefits whatever as Choctaw Indians?

A No, sir.

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In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government, the names of many Indians who did in fact let him know that they wanted to stay here and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved ~~and~~ between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they were entitled to land under article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were appointed under acts of Congress by the President of the United States and they came down here between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors, or your wife's ancestors, appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?

A No, sir, not that I know of. Never heard of it, if they did.

An Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A No, sir.

Q Quite sure of that, are you? A Yes, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors, or any of your wife's ancestors, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know.

Anten Ealy, et al., 6.

Q Do you know of the existence of any written evidence which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence, papers, documents, deeds, or papers of any kind, to offer at this time in support of your application?

A No, sir.

Q Have you any witnesses here to-day whose testimony you desire to have taken before the Commission? A Yes, sir.

Q How many? A Two.

Q What are their names? A Mr. Ware and Mr. Carlisle.

Q What do you expect to prove by these witnesses? A Well, all that I have testified to.

By Mr. Holcomb:

He wants to prove the residence of this branch of the family in that locality during the period of '30.

By Commission:

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, at any time before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskegee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you care to make at this time? A No, sir.

Q Have you any children living over age? A Yes, sir, four of them right here; they are married, though.

Q What are the names of these children? A One of them is a girl, Mary Carrell.

Q Next one? A Eliza Geff, and there are my two sons.

Q What are their names? A William and Joe Ealy.

Q Have you any children dead? A Yes, sir.

Q Did any of these children who are dead leave children? A Yes, sir.

Q How many of them? A One of them left one.

Q What's the name of the one that left one? A The name of the child you mean?

Q The name of your child? A Tony Ealy.

Q What's the name of that child? A Eliza.

Q Where does she live? A She lives right about me; about four miles west.

Q About how old is she? A I really couldn't tell you, sir.

Q Is she married? A No, sir, she aint married; she's a little girl ten or twelve years old.

Q With whom does she live? A She stays with her mother; she is married again - her mother.

Q What's her mother's name? A Lizzie. She was Lizzie Garlick before she married.

Q What's her name now? A Lizzie Dobson.

Q Now, you have another child dead who left children? A Yes, sir, two, but they are both dead.

Q Well, now, have you any other children who are dead, who left children? A No, sir.

Q Has any application been made for this little girl, Eliza?

A No, sir.

Q Now, have you any brothers or sisters living? A Yes, sir.

Anton Ealy, et al., 7.

- Q How many brothers? A One brother and one sister.
Q What's the name of the brother? A One is Daniel Ealy, and the sister is Eldwina Bang.
Q Where do they live? A Pascageoula River, about seven miles above me in Jackson County.
Q Have they been before the Commission? A No, sir.
Q Have you any brothers or sisters dead? A Yes, sir, I have one sister and four brothers dead.
Q Did any of them leave descendants? A Yes, sir.
Q How many of them left descendants? A Well, I couldn't say exactly now.
Q What was the name of the oldest brother who is dead? A Sylister Ealy.
Q Are any of his descendants liveing? A Yes, sir, but they are all grown men, and I don't know where they are.
Q Do you know their names? A Yes, sir.
Q Give us their names? A Ardell, a girl.
Q Is she married? A Yes, sir, she's married, but I don't know where she is.
Q Do you know her husband's name? A No, sir.
Q Next one? A Next one was married.
Q Do you know her husband's name? A Well, yes sir.
Q What is it? A Her first husband was Mike Miller.
Q What's her second husband's name? A Paul Dezier.
Q Where do they live? A Soranton, Mississippi.
Q What's the name of the next one of these children? A Matilda.
Q Is she married? A Yes, sir.
Q What's her husband's name? A I don't know neither, sir.
Q Where does she live? A I don't know where none of them is.
Q What's the name of the next one? A Ray.
Q A boy? A No, a girl.
Q Is she married? A Yes, sir.
Q Do you know her husband's name? A No, sir, she's been gone, I don't know how long.
Q What's the name of the next child? A That's all.
Q What was the name of your next brother? A Ellis Ealy.
Q Did he leave descendants? A Yes, sir.
Q Are any of them living? A Some of his family is living.
Q What are the names of his children who are living? A I really couldn't tell all of their names; he had three or four/
Q Give us the names of these you remember? A One was named Albert anyhow.
Q Do you know where he lives? A About Soranton.
Q Next one? A He had one, Susie.
Q Do you know her husband's name? A She wasn't married; she's young yet - a child.
Q Next one? A That's all, sir.
Q What's the name of the next one of your brothers who is dead? A That's all there was; the others were single.
Q Has your wife any brothers or sisters living? A Yes, sir, got a brother here.
Q What's his name? A Ben Bang.
Q Has she any other brothers living? A Yes, sir.
Q How many? A Three.
Q What are their names? A Edmore Bang, Peter Bang, and one, Edward Bang.
Q Has she any sisters living? A Never had no sisters.
Q Where do these brothers live? A Right there wlese by where I am living, and there is one, Esien; I ferget him, lives in here about

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Perkinson at present.

Q Has your wife any brothers dead? A No, sir, that's the only brother my wife has got dead.

Q Did he leave descendants? A No, sir.

Q Are any of your wife's father's brothers or sisters living? A No, sir.

Q Are any of their descendants living? A No, sir.

Q Are any of your mother's father's brothers or sisters or any of their descendants living? A No, sir.

Q Are any of your mother's mother's brothers or sisters, or any of their descendants living? A No, sir.

(This applicant has perfectly straight hair, which is, on account of his age, almost white. He has rather dark skin with a copper tinge, and light eyes. His features would indicate that he is possessed of Indian blood.)

(Applicant excused.)

James Ware, being called as a witness in behalf of the above named applicant, and being first duly sworn, upon his oath states as follows:

Examination by the Commission.

Q What is your name? A James Ware.

Q How old are you, Mr. Ware? A Seventy five years of age.

Q What's your post office address? A Van Cleave, Jackson County, Mississippi.

Q How long have you lived in Jackson County? A I have lived in Jackson County - was born there and have lived there, with the exception of six years.

Q Where did you live during those six years? A I was in Hinds County, in this State.

Q You are not an applicant before the Commission, are you? A No, sir.

Q And claim no Indian blood? A No, if I have, I don't know it.

Q What's your occupation, Mr. Ware? A I follow farming principally. I used to cut timber, burn coal, and various things in the timber line.

Q Are you acquainted with the applicant, Anton Ealy? A Yes, sir.

Q How long have you known him? A All his life; we were little boys together; played together, and been together ever since, except these six years.

Q You are no kin to him? A None whatever.

Q Are you interested in any way in the result of his application?

A No, sir, only just wanted me to come and prove by me that he had been in the County, and his mother and ancestors; that's all he wanted me to come for.

By J.R.Helcomb:

I suppose the material points we wish to establish are that they didn't have an opportunity for enrollment in that locality; they didn't reject any offer - any opportunity

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to enroll, and also that the blood of these ancestors - and that he knew them, and knew that in fact - and his belief and his knowledge and understanding in that community about the amount of Indian that they possessed.

By Commission:

Q These witnesses neither of them know whether any of the ancestors of this applicant ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A

By J.R.Helcomb:

No, he don't know anything about that.

By Commission:

Q Has Anton Ealy lived in Jackson County, Mississippi, all his life? A Yes, sir, all his life.

Q Has he any Indian blood? A Yes, sir, his grand mother was a Choctaw.

Q His grand mother? A Yes, sir.

Q What was her name? A I disremember her name; I was very small.

Q You have seen her? A Yes, sir, they used to come to my father's.

Q Was that his father's mother? A His grand mother.

Q That would his grand mother - Anton's father's mother? A His grand mother's mother was a Choctaw Indian; that's what I wanted to say.

Q His grand mother's mother? A Yes, sir, was a Choctaw, and that made his mother a Choctaw, and his father was part Choctaw;

Q How much Choctaw blood did Anton's father have? A He had a full half.

Q His father was a Frenchman? A Yes, sir.

Q What's the name of Anton's father? A His name was Sylister Ealy.

Q Now, his father was a Frenchman? A His father was said to be a Frenchman.

Q And Sylister's mother was, according to your statement, one quarter Choctaw? A Who, Anton's mother?

Q No, Sylister's mother? A She was - her mother was a full Choctaw; I don't know what blood her father was.

Q Well, now, do you know the name of Sylister's mother? A Yes, sir.

Q What was it? A We always called her Mezah.

Q Now, could she speak the Choctaw language? A Her?

Q Yes? A No, sir.

Q Could Sylister speak the Choctaw language? A No, sir, they all spoke French language.

Q Do you know the names of Mezah's parents? A No, I don't recollect their names.

Q But you are sure that her mother? A Her mother was a Choctaw.

Q Was a full blood Choctaw? A Full blood Choctaw; I have heard my father talk about it, and they were raised right there.

Q Did you ever see Mezah's mother? A No, never seen her mother.

Q All you know about her being a full blood Choctaw is what your father told you? A Told me and other people.

Q It was always your understanding that she was a full blood Choctaw Indian? A Yes, sir.

Q What was Mezah's father? A Well, I don't know that I could tell you that either.

Q Did you ever see him? A His name was - yes I saw him - Richon; he

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was part French; that's all the name I knowed for him.

Q He was part French you say? A Yes, sir.

Q What was the other part? A I don't know what it was.

Q White? A White, I suppose; he wasn't dark skinned. He followed the water when I knew him; he died with the small pox.

Q That would make - according to your statement, Mezah was one half Choctaw? A Yes, sir.

Q Syllister's father had no choctaw blood, did he? A He didn't have any.

Q That would make Syllister a quarter, wouldn't it? A No, she - QM Mezah was one half Choctaw? A Her mother was a full blood.

Q And her father didn't have any Choctaw blood, that would make Mezah one half? A Yes.

Q Now, Mezah was Syllister's mother? A Yes, sir, Syllister's father, they said he had Choctaw blood in him, but I wouldn't swear that he did have.

Q What was Syllister's father's name? A Battiest Ealy.

Q Did he look to you as if he had Indian blood? A He was dark skinned - looked like he might have some Indian.

Q You have no idea how much he had? A I couldn't tell you how much.

Q Did Battiest and Mezah ~~xxxxxxx~~ live there in Jackson County all their lives? A Yes, sir, they lived right there.

Q Were they both born there in that County? A I think so; I know Battiest was born there too.

Q Now, were their parents born and raised there too? A Which.

Q Battiest and Mezah's parents? A Why, the Choctaw parents was.

Q How old a man is Anton, do you know? A He is seventy two or three, somewhere along there.

Q Well, do you know his wife? A Yes, sir.

Q What's her name? A Her name is Madaline.

Q How long have you known her? A Known her all her life.

Q Has she any Indian blood? A Yes, sir.

Q How much? A She must be over a quarter.

Q You think she is as much as the old man - Anton? A I reckon she is about as much.

Q Can she speak the Choctaw language? A No sir, none of them can speak it; when the Choctaws were living there, there was only a few living, and they never tried to speak it. The Choctaws were moved from that country when I was small boy; I know they camped there by us close to my father's.

Q Were you present at the wedding of Anton and Madaline? A No, sir, I wasn't.

Q How long did they live together? A They lived together, I couldn't tell you exactly.

Q About how long, Mr. Ware? A They must have lived together between thirty and forty years. Long enough to raise a pretty good family.

Q Was Anton married before he married her? A No, sir, never was married.

Q She never was married before she married him? A No, sir.

Q Do you know the names of Madaline's parents, her father and mother? A Her mother was named Rose; her father was named Esien Bang.

Q Did her mother have any Choctaw blood? A Oh! yes, she had Choctaw blood.

Q How much? A Well, she must have been near about a half too.

Q Did Esien have any Choctaw blood - her father? A Yes, sir, he was said to have.

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Q How much? A They said he was about a quarter.

Q Do you know the names of his parents? A No, sir, I know the name of his father; I have seen him.

Q What was his name? A Bang.

Q Did he have any Choctaw blood? A I couldn't tell you; he looked like he might have; I couldn't say that he did have.

Q Did Esien get his Choctaw blood through his mother? A Yes, what he had he got through his mother.

Q What was her name? A I don't recollect her name.

Q Through which one of her parents did Rose get her Choctaw blood? A She got it through her mother.

Q What was her mother's name? A I don't know.

Q Has this family lived there in Jackson County ever since you were born? A Yes, sir, ever since I was born.

Q How long before that, do you know? A I reckon twenty five or thirty years; my father was raised right there with them.

Q Your father was? A Yes, sir.

Q You don't know whether any of the ancestors of Anton or of his wife, Madeline, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't think they ever complied or ever received any benefits. You know they didn't know how to go to work, and nobody took it in hand for them, and they just let it lie that way. Didn't know, I suppose, there was any such thing to be done.

By J.R. Helcomb?

Q Do you remember anything about the occasion of the marriage of Anton Ealy and his wife? A The occasion.

Q Yes, the preliminaries. Do you know how old a man he was when he married? A No, I don't know that I could tell you exactly.

(This witness is a white man of average intelligence.)

(Witness excused.)

Edward H. Carlisle, having been first duly sworn as a witness on behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Edward H. Carlisle.

Q How old are you, Mr. Carlisle? A I was born in 1836 - September 1836; sixty five, I reckon, last September.

Q What's your post office address? A Purvis, Marion County, Mississippi.

Q How long have you lived there? A About eleven years. Ten or eleven years, I don't know just exactly.

Q Where did you live before that? A In Jackson County, Mississippi. That is, from '56 to that time; I was born in Alabama.

Q What place? A The post office was Troy, Pike County.

Q You lived there until you went to Jackson County? A Yes, sir.

Q What's your occupation? A I have been a little of everything - farmer, burned coal and worked land. I am a farmer now, have been since I have been in Marion County.

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Q You are not an applicant for identification as a Mississippi Choctaw, are you? A No, sir; aint none of the blood about me, I don't think.

Q Are you acquainted with Anton Ealy and his descendants? A Yes sir, since that time; since '56.

Q Are you any kin to him? A Anton Ealy and my first wife were cousins.

Q Did your first wife have any Indian blood? A No, sir.

Q Are you interested in any way in the result of this application?

A Not a bit in the world, no, sir.

By J.R.Holcomb:

We wish to establish by this witness the place of residence, and the belief in the neighborhood of how Anton Ealy and his wife were regard as to the amount of Indian blood that they possessed; that they were known as original settlers in that country. I believe that's about the only points.

By Commission:

You first met Anton Ealy in '56? A Yes, sir.

Q Has he lived in Jackson County ever since that time? A Yes, sir, if he has been away from there, I don't know it.

Q Has Anton any Choctaw blood? A He was claimed to have that; old citizens, when I moved to that country, claimed it.

Q How much Choctaw blood has he? A I don't know, myself, but I think he claimed to be half, or something like that.

Q Do you know his wife? A Yes, sir, I have seen his wife.

Q What's her name? A Madaline. She was Madaline Bangs.

Q Has she any Choctaw blood? A She looks like it.

Q Do you know how much? A No, sir, I don't know about that.

Q She lived there ever since you met? A Yes, sir, she married when I first met them in '56.

Q Through which one of his parents did Anton get his Choctaw blood?

Q I don't know; his father looked like one; that's all I know.

Q Did you ever see his mother? A No, sir.

Q Do you know the names of his father and mother? A His mother he said - no, sir - Anton's mother - I have seen them both of them; I know both of their names; his father was Sylister; his mother was named Mary; that's the way the people claimed it - Sylister Ealy.

Q You don't know which one of them had Choctaw blood? A Yes, sir, the father.

Q Do you know how much he had? A No, sir.

Q He wasn't a full blood, was he? A I don't hardly think he was.

Q His mother had no Choctaw blood? A No, sir.

Q Do you know how long Sylister lived in Jackson County? A No, sir, he was there when I went there; he was born there, I suppose; he was claimed as an old settler; he was an old man when I first saw him.

Q As a matter of fact, you don't know anything of the residence of these people of your own knowledge beyond '56? A No, sir.

Q Do you know the names of Sylister's parents? A No, sir.

Q Do you know the names of the parents of Madaline, Anton's wife?

A The father, I never saw; the mother was called Rose Bangs; I think I heard them say the father was called Esien.

Q You were not acquainted with him? A No, sir, he was dead before I moved there, or gone somewhere; I never seen him.

Q Did Rose have any Choctaw blood? A She showed it, but I don't know how much.

Anton Maly, et al., 13.

Q Do you know whether Esien had any Choctaw blood? A No, sir, I never saw him. I don't know anything about him.

Q You don't know whether any of the ancestors of Anton, or of his wife, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder, do you? A I never heard of it.

Q If they did? A No, sir, I never heard of it, if they did.

•(This witness is a white man of average intelligence.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 11th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Franks, Mississippi, this 27th day of February, 1902.

L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *J. M. W.*

Deputy.

COPY.

Handwritten signature
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Anton Ealy, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

| | |
|-------------------------|-------------|
| Anton Ealy, et al., | M.C.R. 4722 |
| Mary Carroll, et al., | M.C.R. 4723 |
| Mary R. Belton, et al., | M.C.R. 4731 |
| Nancy Dobson, et al., | M.C.R. 5357 |
| Joseph Ealy, et al., | M.C.R. 4726 |
| William Ealy, et al., | M.C.R. 4730 |
| Eldwena Ealy, et al., | M.C.R. 5481 |
| Eliza Goff, et al., | M.C.R. 4724 |

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Anton Ealy for himself and his wife, Madaline Ealy; by Mary Carroll for herself and her five minor children, Abizear A., Toney, George, Earnest, and Lydia M. Carroll; by Mary R. Belton for herself and her two minor children, James A. and Alice C. Belton; by Nancy Dobson for herself and her three minor children, Mary Jane, William and Sabra A. Dobson; by Joseph Ealy for himself, his wife, Olevia Ealy, and his seven minor children, Toney, Joseph, Jr., John R., Mary, Ruford, Bishop M. and Malinda M. Ealy; by William Ealy for himself and his two minor children, Rose A. and Earnest W. Ealy;

by Eldwena Ealy for herself and her four minor children, Mazaline, Bessie, Ella and Laura Ealy; and by Eliza Goff for herself and her four minor children, Johnnie, Frank, Devie and Mollie Goff, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the principal applicant, Anton Ealy, claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Battiest Ealy, and Mezah Ealy (nee Richon), who are alleged to have been Choctaw Indians, degree of blood possessed by each not positively shown, and both to have resided in Mississippi in eighteen hundred and thirty; that Madaline Ealy applied for in M.C.R. 4722, claims said rights by reason of being a descendant of Ezien Bang and Rose Bang, who are alleged to have been one-half blood Choctaw Indians, and to have resided in Mississippi in eighteen hundred and thirty; that all the applicants in M.C.R. 4723, M.C.R. 4731, M.C.R. 5357, M.C.R. 4730, M.C.R. 5481, M.C.R. 4724 and the principal applicant in M.C.R. 4725, claim said rights by reason of being descendants of Battiest Ealy, Mezah Ealy (nee Richon), Ezien Bang and Rose Bang; that Olevia Ealy applied for in M.C.R. 4725, claims said rights by reason of being a descendant of Alex C. Ladnier, who is alleged to have been an one-half blood Choctaw Indian; and that minor applicants applied for in M.C.R. 4725 claim said rights by reason of being descendants of Battiest Ealy,

Mezah Ealy (nee Richon), Ezien Bang, Rose Bang and Alex C. Ladnier.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Battiest Ealy, or Mezah Ealy, (nee Richon), or Ezien Bang, or Rose Bang, or Alex C. Ladnier, or ancestors less remote, or applicant Anton Ealy signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anton Ealy, Madaline Ealy, Mary Carroll, Abizear A. Carroll, Toney Carroll, George Carroll, Earnest Carroll, Lydia M. Carroll, Mary R. Belton, James A. Belton, Alice C. Belton, Nancy Dobson, Mary Jane Dobson,

William Dobson, Habra A. Dobson, Joseph Ealy, Olevia Ealy, Toney Ealy, Joseph Ealy, Jr., John R. Ealy, Mary Ealy, Ruford Ealy, Bishop W. Ealy, Malinda W. Ealy, William Ealy, Rose A. Ealy, Earnest W. Ealy, Eldwona Ealy, Masaline Ealy, Bessie Ealy, Ella Ealy, Laura Ealy, Liza Goff, Johnnie Goff, Frank Goff, Dovie Goff and Mollie Goff, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Dixby.

Acting Chairman.

T. B. Needles.

Commissioner.

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

APR 17 1903.

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Anton Ealy, James Ware and Edward
H. Carlisle in the matter of the application of Anton Ealy for
the identification of himself and wife as Mississippi Choctaws,
M.C.R. 4722.

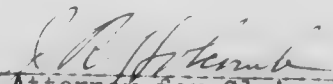
J. M. Holcomb
att'y at Law

Muskogee, Indian Territory,

September 9th, 1902.

To the Commission to the
Five Civilized Tribes,
Muskogee, Indian Territory.

In the matter of consolidated Mississippi Choctaw
case, M. C. R. No. 4722. of Anton Ealy, et als., comes
J. R. Holcomb, attorney of record for said claimants and
makes a motion for a continuance of thirty days, and prays
that he be granted thirty days in which to file a brief in
support of said claims.



Attorney for Claimants.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 9, 1902.

-----O-----

In the matter of the consolidated Mississippi Choctaw case of Anton Ealy, et al., consolidating therewith the cases of other applicants claiming descent from the same common ancestor.

-----O-----

Now, on this 9th day of September, 1902, comes J. R. Holcomb, attorney for the applicants in the above entitled cause, and files a motion for a continuance therein of thirty (30) days from this date; and after consideration of said motion, it is the opinion of this Commission that the same should be granted, and it is so ordered; and further that said attorney for the applicants be advised of the action of the Commission, and that the applicants be allowed until Thursday, October 9, 1902, within which to file a brief in support of the claims of the several applicants in the above entitled cause.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

James B. Bixby
Acting Chairman.
B.

M C R 4722
M C R 5356

Muskogee, Indian Territory, September 11, 1903.

J. R. Holcomb,
Attorney at Law,
Purvis, Mississippi.

Dear Sir:

There are enclosed herewith one copy each of the order granting a continuance of thirty days in the Mississippi Choctaw cases of Anton Ealy et al. and Edmo Bang et al.

Yours truly,

Acting Chairman.

Enc. MeM--138

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anton Ealy, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|-------------|
| Anton Ealy, et al., | M.C.R. 4722 |
| Mary Carroll, et al., | M.C.R. 4723 |
| Mary R. Belton, et al., | M.C.R. 4731 |
| Nancy Dobson, et al., | M.C.R. 5357 |
| Joseph Ealy, et al., | M.C.R. 4725 |
| William Ealy, et al., | M.C.R. 4730 |
| Eldwena Ealy, et al., | M.C.R. 5481 |
| Eliza Goff, et al., | M.C.R. 4724 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anton Ealy, Madaline Ealy, Mary Carroll, Abisear A. Carroll, Toney Carroll, George Carroll, Earnest Carroll, Lydia M. Carroll, Mary R. Belton, James A. Belton, Alice C. Belton, Nancy Dobson, Mary Jane Dobson, William Dobson, Sabra A. Dobson, Joseph Ealy, Olevia Ealy, Toney Ealy, Joseph Ealy, Jr., John R. Ealy, Mary Ealy, Ruford Ealy, Bishop M. Ealy, Malinda K. Ealy, William Ealy, Rose A. Ealy, Earnest W. Ealy, Eldwena Ealy,

M.,McM. & C.,-2

Nazaline Haly, Bessie Haly, Ella Haly, Laura Haly, Lisa Goff, Johnnie Goff, Frank Goff, Dovie Goff and Nellie Goff, as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby
Chairman.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Joel R. Holcomb,
Attorney at Law,
Purvis, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anton Ealy, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|-------------|
| Anton Ealy, et al., | M.C.R. 4722 |
| Mary Carroll, et al., | M.C.R. 4723 |
| Mary R. Belton, et al., | M.C.R. 4731 |
| Nancy Dobson, et al., | M.C.R. 5357 |
| Joseph Ealy, et al., | M.C.R. 4725 |
| William Ealy, et al., | M.C.R. 4730 |
| Eldwena Ealy, et al., | M.C.R. 5481 |
| Eliza Goff, et al., | M.C.R. 4724 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anton Ealy, Madeline Ealy, Mary Carroll, Abizear A. Carroll,

Joel R. Holcomb, -2

Toney Carroll, George Carroll, Earnest Carroll, Lydia M. Carroll, Mary R. Belton, James A. Belton, Alice C. Belton, Nancy Dobson, Mary Jane Dobson, William Dobson, Sabra A. Dobson, Joseph Ealy, Olevia Ealy, Toney Ealy, Joseph Ealy, Jr., John R. Ealy, Mary Ealy, Ruford Ealy, Bishop M. Ealy, Malinda M. Ealy, William Ealy, Rose A. Ealy, Earnest W. Ealy, Elawena Ealy, Maxaline Ealy, Bessie Ealy, Ella Ealy, Laura Ealy, Lisa Goff, Johnnie Goff, Frank Goff, Devie Goff and Mollie Goff, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Jarns Bixby.
Chairman.

Registered.

COPI

Muskogee, Indian Territory, April 17, 1903.

Anton Ealy,

Vancleave, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anton Ealy, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|-------------|
| Anton Ealy, et al., | M.C.R. 4722 |
| Mary Carroll, et al., | M.C.R. 4723 |
| Mary R. Belton, et al., | M.C.R. 4731 |
| Nancy Dobson, et al., | M.C.R. 5387 |
| Joseph Ealy, et al., | M.C.R. 4725 |
| William Ealy, et al., | M.C.R. 4730 |
| Eldwena Ealy, et al., | M.C.R. 5481 |
| Eliza Geff, et al., | M.C.R. 4724 |

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats.. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anton Ealy, Madeline Ealy, Mary Carroll, Abiear A. Carroll,

Anten Ealy, -2

Teney Carroll, George Carroll, Earnest Carroll, Lydia M. Carroll, Mary R. Belton, James A. Belton, Alice O. Belton, Nancy Dobson, Mary Jane Dobson, William Dobson, Sabra A. Dobson, Joseph Ealy, Olevia Ealy, Teney Ealy, Joseph Ealy, Jr., John R. Ealy, Mary Ealy, Ruford Ealy, Bishop M. Ealy, Malinda M. Ealy, William Ealy, Rose A. Ealy, Earnest W. Ealy, Eldwena Ealy, Masaline Ealy, Bessie Ealy, Ella Ealy, Laura Ealy, Lisa Goff, Johnnie Goff, Frank Goff, Davis Goff and Mellie Goff, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixby.

Chairman.

Registered.

COPY:

Muskogee, Indian Territory, May 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Anton Ealy, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 17, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

| | |
|-------------------------|--------------|
| Anton Ealy, et al., | M.C.R. 4722; |
| Mary Carroll, et al., | M.C.R. 4723; |
| Mary R. Belton, et al., | M.C.R. 4731; |
| Nancy Dobson, et al., | M.C.R. 5357; |
| Joseph Ealy, et al., | M.C.R. 4725; |
| William Ealy, et al., | M.C.R. 4730; |
| Eldwena Ealy, et al., | M.C.R. 5481; |
| Eliza Goff, et al., | M.C.R. 4724. |

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

A relationship by intermarriage exists between the applicants

Secretary 2.

in this case and the applicants in the Mississippi Ghostaw cases of Edmo Bang, et al., Joseph Garlick, et al., and Frederick Bobinger, et al., decisions in which were rendered by the Commission on April 17, 1903, and are this day transmitted to the Department.

Respectfully,

Through the
Commissioner of Indian Affairs.

(SIGNED).

2 Enc.: L.C.R. 4722.

Tame Dixby.

Chairman.

M.C.R. 4722.

COPY.

Muskogee, Indian Territory, August 19, 1903.

Anton Ealy,

Vanderveer, Mississippi.

Dear Sir:

You are hereby notified that on the 4th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anton Ealy, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Copy.

Land.

29669-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 23, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record and proceedings of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Anton Ealy for himself and his wife, Madaline Ealy; by Mary Carroll for herself and her five minor children, Abizear A., Toney, George, Earnest and Lydia M. Carroll; by Mary R. Belton for herself and her two minor children, James A. and Alice C. Belton; by Nancy Dobson for herself and her three minor children, Mary Jane, William and Sabra A. Dobson; by Joseph Ealy for himself, his wife, Olevia Ealy, and his seven minor children, Toney, Joseph, Jr., John R., Mary, Bishop M. and Malinda M. Ealy; by William Ealy for himself and his two minor children, Rose A. and Earnest W. Ealy; by Eldwena Ealy for herself and her four minor children, Maxaline, Bessie, Ella and Laura Ealy; and by Eliza Goff for herself and her four minor children, Johnnie, Frank, Devie and Mollie Goff, wherein a decision adverse to the applicants

2.

was rendered by the Commission April 17, 1903.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from the following ancestors; Battiest Ealy and Mezah Ealy, nee Richon, parents of Sylister Ealy, father of the principal applicant, Ezien and Rose Bang, parents of Madaline Ealy, the principal applicants wife and Alex C. Ladnier, it being claimed that they were Choctaw Indians and residents in Mississippi at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the names of the ancestors through whom they claim do not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Sylister and Battiest Ealy, Mezah Ealy, nee Richon, Ezien and Rose Bang and Alex C. Ladnier, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions and treaty aforesaid; neither does it appear that they applied to the Commissions appointed under Acts. of March 3, 1837 and August 23, 1842, for an

3.

adjudication of their rights, if any they had, as Choctaw Indians.

It is therefore, respectfully recommended that the decision of the Commission rejecting the applicants, be approved.

Very respectfully,

W. A. Jones,

Commissioner.

C.T.C.

COPY.

J.P.

DEPARTMENT OF THE INTERIOR.

WOF

D.C.20903.

WASHINGTON. August 4, 1903. EAF.

ITD. 5214-1903.

Commission to the Five Civilized Tribes,

Muskegee, I.T.

Gentlemen:

May 4, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Anton Ealy and his wife, Madaline Ealy; of Mary Carroll and her minor children, Abizear A., Toney, George, Earnest and Lydia M. Carroll; of Mary R. Belton and her minor children, James A. and Alice C. Belton; of Nancy Dobson and her minor children, Mary Jane, William and Sabra A. Dobson; of Joseph Ealy, his wife, Olevia Ealy, and his minor children, Toney, Joseph Jr., John R., Mary, Ruford, Bishop M. and Malinda M. Ealy; of William Ealy and his minor children, Rose A. and Earnest W. Ealy; of Eldwena Ealy and her minor children, ~~Masoline~~, Bessie, Ella and Laura Ealy; and of Eliza Goff and her minor children, Johnnie, Frank, Dovie and Mellie Goff. You refused the applications April 17, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830 by reason of being descendants of Sylister Ealy, Battiest Ealy, Misah Ealy (nee Richon), Esien Bang, Rose Bang or Alex C. Ladnier, it being alleged that

2.

said ancestors were possessed of Choctaw Indian blood, and that Battiest Ealy, Mizah Ealy (nee Richon), Ezien Bang and Rose Bang were residents in Mississippi in 1830.

The evidence submitted in this case, as well as the records of the Indian Office fail to show that any one of the alleged ancestors of the applicants complied or attempted to comply with article 14 of the treaty of 1830, or with either of the subsequent acts of Congress relating thereto.

Reporting June 23, 1903, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed herewith.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

M.C.R.4722.

COPY.

Muskogee, Indian Territory, August 19, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 4th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anton Baly, et al., of which decision you were advised by mail on the 17th day of April, 1903.

Respectfully,

T. B. Needles.
Commissioner in charge.

M.O.R.4722.

COPY.

Muskogee, Indian Territory, August 19, 1903.

Jool R. Holcomb,

Attorney-at-Law,

Purvis, Mississippi.

Dear Sir:

You are hereby notified that on the 4th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anton Ealy, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

T. B. Nease.
Commissioner in Charge.

Battiest Ealy^(Choc. French)
dead

+ wife
Mezah Ealy^(fl. 1/2)
dead

⊕ (Mezah's father is Righon/
Choc.)

Syvester Ealy^(3/4 5/4)
dead

wife
Mary Ealy-w.
dead

Anton Ealy - p. 1-2

Daniel Ealy p. 3

Eldwina Ealy p. 3
mar
— Bang

Ellis Ealy - p. 3

Syvester Ealy p. 3

Add to
Mar 5 256

mcr
472

Mary Ealy 44- $\frac{1}{2}$
mar

James Carroll

mcr
472v

Anton Ealy 72- $\frac{1}{2}$
mar

+ Madaline Bang 68- $\frac{1}{2}$

⊕ Claimed for wife: her pa. to
are Eyer Bang & or D. Bang
Bang & both claim th. their
mother see mcr. 5356+536

mcr
4725

Joseph Ealy 40- $\frac{1}{2}$
mar

(or Catherine C. Bobinger)
Olevia Bobinger 39-

2 Wifes parents are John Bobinger
1 Son as Bobinger (41) James father
Alex C. Ladner (K) See mcr
5171

mcr
4725

Abigail A. Carroll 20

Toney " 15

George " 15

Earnest " 12

Lydia M. " 8

mcr
5357

Nancy Carroll 30- $\frac{1}{4}$
mar

Grant Dobson

mcr
4731

Mary R. Carroll 28- $\frac{1}{4}$
mar

Alex. Belton

mcr
5357

Mary Jane Dobson 9

William W. " 8

Sabra A. " 6

mcr
4731

James A. Belton 4

Alice C. " 1

mcr
4725

Toney Ealy 15

Joseph " Jr. 13

John R. " 11

Mary " 10

Ruford " 7

Bishop M. " 5

Malinda M. " 3

MCR
4739

William Ealy 31- $\frac{1}{2}$

mar

Eliza Dobson

MCR
4730

Rose A. Ealy 4

" Earnest W. " 2

MCR
5486

Magaline Ealy 15

" Bessie " 13

" Ella " 10

" Laura " 7

MCR 5485

Eldwena Ealy 30- $\frac{1}{2}$

(2)
+ Illegitimate: father of 1st 2 is Eileen Bang
Robert Page.

Cont'd

Anton Ealy 12- $\frac{1}{2}$

mar

Madaline Bang 68- $\frac{1}{2}$

MCR
4724

Eliza Ealy 30- $\frac{1}{2}$

mar

Isaac Goff

MCR
4724

Johnnie Goff 8

" Frank " 6

" Dorie " 3

" Mollie " 1

Toney Ealy

dead

wife

+ Lizzie Ealy
(nee Garlick)
(now Dobson)

Eliza Ealy

(+) See MCR 5478 for wife's
ancestors.

Consolidated Case
of
Anton Ealy

RECEIVED

4722

Brothers and sisters of
Anton Ealy.

3

Eldwina Ealy
mar
— Bang

Daniel Ealy

Ellis Ealy

Albert Ealy
Susie Ealy

Ardell Ealy
mar

Sylvester Ealy
dead

— Ealy
mar

② Paul Dozier
① Mike Miller

Matilda Ealy
Ray Ealy
mar

Meridian, Miss.

Date _____

Fit

Name _____

Anton Engel

Age

79

Bloom

 $\frac{1}{2}$ /

Post Office.

Vanceleave, Miss

Father.

Ägyptische Entz.

A

Mother

211111

1

4

Claims through father

wife

Marteline

10

2006

father

Chlorine

1. 3rd, 4

 $(\frac{1}{2})$ cl.

Mother

7. 1. 24.

"

 $(1/2)$ d.

long.

... ..

Children:

"in the N^o 20."

Stenographer

P. J. Morris

Choctaw MCR 4723

Mary Carroll

See MCR 4722

MCR 4723

4723

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES;
Meridian, Mississippi, February 11th, 1902.

In the matter of the application of Mary Carroll for the identification of herself and five minor children, Abizear A., Toney, George, Earnest and Lydia M., as Mississippi Choctaws.

APPEARANCES: Joel R. Holcomb, Attorney for applicant.

Said Mary Carroll, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Mary Carroll.
- Q How old are you? A About forty-four.
- Q How much Choctaw blood have you? A Now, you will have to count it up-I don't know exactly-I reckon I'm about half.
- Q What is your postoffice address? A VanCleave, Mississippi.
- Q What County? A Jackson County.
- Q How long have you lived in that County? A All my life.
- Q Is your father living? A Yes sir.
- Q What's his name? A Anton Ealy.
- Q Is ~~the~~ the Anton Ealy who appeared before the Commission this morning prior to your appearance, your father? A Yes sir.
- Q Is your mother living? A Yes sir.
- Q What's her name? A Madaline.
- Q How much Choctaw blood has your father? A He's about half I reckon.
- Q How much has your mother? A Mother is about the same, I think, from what they tell me.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Does your father? A No sir.
- Q Did your mother? A No sir.
- Q Have your parents lived in Jackson County all their lives? A Yes sir, born and raised there.
- Q What other blood have you besides Choctaw blood? A French and American.
- Q What is the name of your husband? A James Carroll.
- Q Have you been married more than once? A No sir, only once.
- Q Is your husband living? A Yes sir.
- Q Has he any Choctaw blood? A No sir, I don't think.
- Q You make no claim for him, then? A No sir.
- Q How many children have you living who are under 21 years of age and unmarried? A Five.
- Q What are their names and ages? A Abizear A.
- Q How old is he? A Twenty.
- Q Next one? A Toney.
- Q How old? A Eighteen.
- Q Next one? A George.
- Q How old? A Fifteen.
- Q Next? A Earnest.
- Q How old? A Twelve.
- Q Next one? A Lydia M.
- Q How old? A Eight.
- Q Are these five children living with at this time? A Yes sir, in their home.
- Q They are all the children of yourself and James Carroll, are they? A Yes sir.

Mary Carroll et al---2

Q This application, then, is for yourself and five minor children?
A Yes sir.

Q Is your name or the name of any one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.

Q Has any application ever been made for yourself or any of these children before today for the purpose of establishing your rights as Choctaw Indians? A No sir.

Q This is the first application of any kind that has ever been made for any of you? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir, I don't.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made—that was about 71 years ago—some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out to the new country, with the rest of the Indians, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner ~~she~~ shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Mary Carroll et al---3

- Q That is th 14th article of the treaty of Dancing Rabbit Creek- do you think you understand it? A Yes sir, I think I do.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A No sir, they never have.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir.
- Q Did any of them live here at that time? A Yes sir, they lived here.
- Q Where? A Down where I come from.
- Q In Jackson County? A Yes sir.
- Q Who of your people lived here 71 years ago-your Choctaw ancestors-in Jackson County? A Old people I reckon.
- Q Did your father or mother live here then? A That was before them I can't count, I aint got no learning.
- Q Did your parents live there all their lives? A All my old people lived there all their lives-they were born and raised there.
- Q Did your grandparents live in Jackson County all their lives? A Yes sir.
- Q Did any of your ancestors within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.
- Q Did any of your Choctaw ancestors ever move from this country out west to the new nation? A No sir.
- Q Did any of your people ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir, they never have.
- Q Did any of them ever get any land from the Government here in Mississippi under any other provision of that treaty? A No sir.
- Q Did any of them ever get any money from the Government? A No sir.
- Q None of your ancestors, then, so far as you know ever received any benefits whatever as Choctaw Indians? A No sir, they never have.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under that 14th article. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissions to come down here

Mary Carroll et al--4

to Mississippi and hear the cases of Choctaws who claimed that they had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissions were appointed by the President of the United States and the Commissioners came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q You are quite sure of that, are you? A Yes sir.

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir, they never have.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any documentary evidence of any kind in existence which would prove or tend to prove such a state of facts? A No sir I don't.

Q Have you any written evidence of any kind you want to offer at this time? A No sir.

Q Have you any witnesses here at this time? A There are Mr. Ware and Mr. Carlisle.

Q They have just testified in your father's case, have they not? A Yes sir.

Their testimony will be considered in connection with your application you make at this time and it will not be necessary for the witnesses to be re-examined.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian this week or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Mary Carroll et al--5

Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q How many children have you ever ago or married? A Three.
Q What are their names? A The oldest one is Nancy Mahala Dobson.
Q Where does she live? A She lives down there in Jackson County.
Q Has she been before the Commission? A No sir.
Q What is the name of the next one? A Mary R. Belton.
Q Where does she live? A She lives in Perkinson.
Q Has she been before the Commission? A She's here today.
Q What is the ~~name~~ name of your other child? A Sarah J. Crane.
Q Has she been before the Commission? A No sir.
Q Where does she live? A In Alabama.
Q That is all of your children? A Yes sir.
Q How many brothers have you living? A Two.
Q What are their names? A Joseph Ealy, and the other is William Ealy.
Q They are here today, are they? A Yes sir, there they sit, both of them.
Q Have you any sisters living? A Yes sir.
Q How many? A Eliza Goff, Eldwena-she isn't married, Caroline-she isn't married, Sarah Jane-she isn't married, Sophie Ladnier.
Q Have any of these sisters been before the Commission? A No sir, none of them; Eliza is here today.

This applicant has a dark complexion-straight, black hair and dark eyes; she claims to be possessed of one half Indian blood; her features would not indicate that she is possessed of that proportion of Indian blood. She does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 11th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 1st day of March, 1902, at Philadelphia, Mississippi.

L. B. Menden
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *A. H. H.*

Deputy.

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Mary Carroll in the matter of her appli-
cation for the identification of herself and her minor children
as Mississippi Choctaws, M.C.R. 4723.

J. M. Yokoma
Atty at Law

COP.

M.C.R. 4723

Muskogee, Indian Territory, April 17, 1903.

Mary Carroll,

Vanolive, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anton Haly, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|-------------|
| Anton Haly, et al., | M.C.R. 4722 |
| Mary Carroll, et al., | M.C.R. 4723 |
| Mary R. Belton, et al., | M.C.R. 4731 |
| Nancy Dobson, et al., | M.C.R. 5357 |
| Joseph Haly, et al., | M.C.R. 4725 |
| William Haly, et al., | M.C.R. 4730 |
| Eldwena Haly, et al., | M.C.R. 5481 |
| Elisa Goff, et al., | M.C.R. 4724 |

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anton Haly, Madeline Haly, Mary Carroll, Abiecar A. Carroll,

Mary Carroll,-2

Toney Carroll, George Carroll, Earnest Carroll, Lydia M. Carroll, Mary R. Belton, James A. Belton, Alice C. Belton, Nancy Dobson, Mary Jane Dobson, William Dobson, Sabra A. Dobson, Joseph Ealy, Olevia Ealy, Toney Ealy, Joseph Ealy, Jr., John R. Ealy, Mary Ealy, Ruford Ealy, Bishop M. Ealy, Malinda M. Ealy, William Ealy, Rose A. Ealy, Earnest W. Ealy, Eldwena Ealy, Mazaline Ealy, Bessie Ealy, Ella Ealy, Laura Ealy, Lisa Goff, Johnnie Goff, Frank Goff, Dovie Goff and Mollie Goff, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixey.
Chairman.

Registered.

Muskogee, Indian Territory, May 8, 1903.

Rev. James A. Carroll,
Vancleave, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you state "We have received notice that our evidence before the Commission was insufficient to establish our claims. We are prepared now to prove our blood conclusively." You also ask "Please notify us what evidence is required."

In reply you are informed that it is presumed from your letter you refer to the application made by Mary Carroll, wife of James Carroll, Vancleave, Mississippi, for the identification of herself and minor children as Mississippi Choctaws.

The fifteen days from April 17, 1903, heretofore granted in this case, expired on May 2, 1903. On May 4, 1903, the record in said case, together with the decision of the Commission, was transmitted to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence in support thereof.

Respectfully,

Chairman.

M. C. R. 4723.

COPY.

Muskogee, Indian Territory, August 19, 1903.

Mary Carroll,

Vandeleave, Mississippi.

Dear Madam:

You are hereby notified that on the 4th day of August, 1903, the Secretary of the Interior affirmed the decision of this commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anton Ealy, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

449

No. 4723

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date

FEB 11 1902

Name Mary Carroll

Age 44 Blood $\frac{1}{2}$

Post Office, Vancleave, Miss

Father: Anton Ealy ($\frac{1}{2}$) LMother: Madaline " ($\frac{1}{2}$) LClaims through both parents
HusbandJames Carroll
No claim for husband

Claims for self and 5 children

Children:

| | |
|--------------------|----|
| Abizear C. Carroll | 20 |
| Toney | 18 |
| George | 15 |
| Earnest | 12 |
| Lydia M. | 8 |

Stenographer

J. S. Miles.

Choctaw MCR 4724

Eliza Goff

See MCR 4722

MCR 4724

4724

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 11th, 1902.

In the matter of the application of Eliza Goff for the identification of herself and four minor children, Johnnie, Frank, Dovie and Mollie, as Mississippi Choctaws.

APPEARANCES: Joel R. Holcomb, attorney for applicants.

Said Eliza Goff, being first duly sworn, testified as follows:-

Examination by the Commission.

Q What is your name? A Eliza Goff.
Q How old are you? A About thirty years old.
Q Your husband has no Choctaw blood, has he? A No sir.
Q How much Choctaw blood have you? A About half, I guess.
Q What is your postoffice address? A Purvis, Mississippi.
Q What County? A Marion.
Q How long have you lived in Marion County? A Four years.
Q Where did you live before that? A In Jackson County, Mississippi.
Q How long did you live in Jackson county? A I was born and raised there; I moved to Purvis.
Q Is your father living? A Yes sir.
Q What's his name? A Anton Ealy.
Q Is he the Anton Ealy who appeared before the Commission this morning? A Yes sir.
Q Is your mother living? A Yes sir.
Q What's her name? A Madaline Ealy.
Q Has your father any Choctaw blood? A Yes sir.
Q How much? A He claims half.
Q Has your mother any Choctaw blood? A Yes sir.
Q How much? A She's about the same.
Q Are you married? A Yes sir.
Q What's your husband's name? A Isaac Goff.
Q Is he living? A Yes sir.
Q Has he any Choctaw blood? A No sir, not that I know of.
Q You make no claim for him? A No sir.
Q How many children have you living? A Four.
Q What are their names and ages? A Johnnie-he's eight years old.
Q That's a boy? A Yes sir.
Q Next one? A Frank, he's six.
Q Next one? A Dovie-three.
Q Next one? A Mollie-she's one.
Q Is that all your children? A Yes sir.
Q Are these four children living with you at this time? A Yes sir.
Q Are they all the children of yourself and Isaac Goff? A Yes sir.
Q This application is for yourself and four minor children? A Yes sir.
Q Is your name or the name of any of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you ever make application for yourself or any of these children before this time to be admitted or enrolled as members of the Choctaw Tribe of Indians? A No sir.

Q This is the first application of any kind that has ever been made for any of you? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A No sir, not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.

Q Did any of them live in the old Choctaw Nation at that time? A No sir, not as I know of.

Q Did any of your Choctaw ancestors move out to the new nation west of the Mississippi River at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1830 and 1838? A No sir, not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever get any land under any other article of that treaty or under the supplement? A No sir.

Q Did any of them ever get any money from the Government? A No sir, not as I know of.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q You heard me explain to your father and your sister Mary Carroll, about the certain Commissions appointed under the acts of Congress approved between the years 1837 and 1842, to come down here to Mississippi and hear Choctaw claims under article 14 of the treaty of Dancing Rabbit Creek, did you not? A Yes sir.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.

Q Did any of them get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A No sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence of any kind to offer at this time? A No sir.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you de-

Eliza Goff et al--3

sire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time?
A No sir.
Q Do you speak or understand the Choctaw language? A No sir.
Q Have you any brothers living? A Yes sir.
Q How many? A Two.
Q What are their names? A Jow and William Haly.
Q They are here today, are they? A Yes sir.

This applicant has the appearance of being a white man woman, although she has a dark complexion, dark eyes and straight, black hair. Her features would not indicate that she is possessed of Indian blood-she does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 11th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 1st day of March, 1902, at Philadelphia, Mississippi.

L. B. Moody

Clerk U.S. Circuit Court, Southern District of Mississippi.

By *Mark*

Deputy.

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Eliza Goff in the matter of her appli-
cation for the identification of herself and her minor children
as Mississippi Choctaws, M.C.R. 4724.

J. M. Holcomb
Atty at Law

COPY.

Muskogee, Indian Territory, April 17, 1903.

Eliza Goff,

Purvis, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anton Ealy, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|-------------|
| Anton Ealy, et al., | M.C.R. 4722 |
| Mary Carroll, et al., | M.C.R. 4723 |
| Mary R. Belton, et al., | M.C.R. 4731 |
| Nancy Dobson, et al., | M.C.R. 5357 |
| Joseph Ealy, et al., | M.C.R. 4725 |
| William Ealy, et al., | M.C.R. 4730 |
| Eldwena Ealy, et al., | M.C.R. 5481 |
| Eliza Goff, et al., | M.C.R. 4724 |

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anton Ealy, Madeline Ealy, Mary Carroll, Abisear A. Carroll,

Eliza Goff, -2

Toney Carroll, George Carroll, Earnest Carroll, Lydia M. Carroll, Mary R. Belton, James A. Belton, Alice C. Belton, Nancy Dobson, Mary Jane Dobson, William Dobson, Sabra A. Dobson, Joseph Ealy, Olevia Ealy, Toney Ealy, Joseph Ealy, Jr., John R. Ealy, Mary Ealy, Ruford Ealy, Bishop M. Ealy, Malinda M. Ealy, William Ealy, Rose A. Ealy, Earnest W. Ealy, Eldwena Ealy, Masaline Ealy, Bessie Ealy, Ella Ealy, Laura Ealy, Lisa Goff, Johnnie Goff, Frank Goff, Dovie Goff and Mollie Goff, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Dixby.
Chairman.

Registered.

M.C.R. 4724.

COPY.

Washoe, Indian Territory, August 19, 1903.

Eliza Goff,

Purvis, Mississippi.

Dear Madam:

You are hereby notified that on the 4th day of August, 1903, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anton Baly, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Identification as a Mississippi Choctaw.
Meridian Miss

Date

FEB 11 1902

Name Eliza Goff

Age 30

Blood

1/2

Post Office, Purvis, Miss.

Father: Nelson Galy (1/2) L

Mother: Madeline (1/2) L

Claims through both parents

Husband Isaac Goff

L

No claim for husband

Claims for self + children

Children:

Johnnie Goff (M) 8

Frank " 6

Dovie " 3

Mollie " 1

Stenographer

A. L. Viles

Choctaw MCR 4725

Joseph Ealy

See MCR 4722

MCR 4725

4725
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 11th, 1902.

In the matter of the application of Joseph Ealy for the identification of himself, his wife, Olevia, and seven minor children, Toney, Joseph Jr., John R., Mary, Ruford, Bishop M., and Malinda M. Ealy, as Mississippi Choctaws.

APPEARANCES: Joel R. Holcomb, Attorney for applicants.

Said Joseph Ealy, being first duly sworn, testified as follows:

Examination by the Commission/

- Q What's your name? A Joseph Ealy.
Q How old are you? A I suppose about forty.
Q How much Choctaw blood have you? A I suppose I've got half.
Q What is your postoffice address? A Van Cleave.
Q What County? A Jackson County, Mississippi.
Q How long have you lived in Jackson County? A I've been raised right there.
Q Been there all your life? A Yes sir.
Q Is your father living? A Yes sir.
Q What's his name? A Anton Ealy.
Q Is your mother living? A Yes sir.
Q What's her name? A Madaline Ealy.
Q Through which one of your parents do you get your Choctaw blood?
A I suppose I get it from my daddy and my mammy too.
Q How much Choctaw blood has your father? A I think he's got about half.
Q How much has your mother? A I suppose about the same.
Q Is he the Anton Ealy who appeared before the Commission here this morning? A Yes sir.
Q Are you a full brother of Eliza Goff who has just appeared before the Commission? A Yes sir.
Q What is your wife's name? A Olevia ~~Santr~~ Ealy.
Q How old is she? A I think she's about thirty-nine.
Q How much Choctaw blood has she? A Well, sir-I couldn't tell you.
Q Are you living together now? A Yes sir.
Q Is her father living? A No sir.
Q You want to claim for her, do you? A Yes sir.
Q What was her father's name? A John Bobinger.
Q Did he have any Choctaw blood? A I couldn't tell you. Her mammy did.
Q What was your wife's mother's name? A I don't know, sir.
Q Did you ever see her? A Yes sir, I seen her.
Q How much Choctaw blood did she have? A I couldn't tell you.
Q Haven't you any idea? A No sir, I have no idea.
Q And haven't the slightest idea how much Choctaw blood your wife has? A No sir, I couldn't tell you, but she has some they tell me.
Q Do you know the name of any one of your wife's grandparents? A No sir.
Q Where did John Bobinger or your wife's mother live? A They lived on Jones Bayou, in Jackson County, Mississippi.
Q Have all of her ancestors lived there so far as you knew of? A Yes sir.

Joseph Kaly et al--2

- Q Can your wife speak the Choctaw language? A No sir.
Q Didn't you ever hear her say how much Choctaw blood she has?
A No sir.
Q How long have you known that she had Choctaw blood? A That's what they been telling me-Mr Ware told me her mammy did.
Q How long have you been knowing that she had Choctaw blood? A I been knowing it ever since Mr. Ware said that.

By Mr. Holcomb:

- Q Has it been many years? A Yes sir.
Q Did you discover that before you knew about this Commission? A Yes sir.

By the Commission:

- Q How many children have you living? A Seven.
Q What are their names and ages? A Toney.
Q Is that a boy? A Yes sir.
Q How old? A Fifteen.
Q Next one? A Joseph Jr.
Q How old? A Thirteen.
Q Next one? A John R.
Q How old? A Eleven.
Q Next one? A Mary.
Q How old? A Ten.
Q Next one? A Ruford.
Q How old? Seven.
Q Next one? A Bishop M.
Q How old? A Five.
Q Next one? A Malinda M.
Q How old? A Three.
Q Is that all? A Yes sir.
Q Are these children living with you at this time? A Yes sir.
Q Are they all the children of yourself and Olevia Kaly? A Yes sir.
Q Were you married to her under a license? A Yes sir.
Q When? A I suppose its been about seventeen years ago.
Q Where did you get your license? A Over to Scranton.
Q Who married you? A Mr. Robert.
Q What position did he hold at that time? A He was a preacher.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to Olevia for use in connection with the application you make in behalf of your seven minor children. This should be furnished within thirty days from this date.

- Q This application is for yourself, your wife and seven minor children, is that right? A Yes sir.
Q Is your name or your wife's name or the name of any one of these children on any of the Choctaw Tribal rolls in Indian Territory?
A No sir.
Q Has any application of any description ever been made before today for yourself, your wife or any one of these children for the pur-

Joseph Ealy et al---3

pose of establishing your rights as Choctaw Indians? A No sir.

Q This is the first application of any description that has ever been made for any of you? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for your self, your wife and seven minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A yes sir.

Q You have heard it explained to your father and your sisters here this morning? A yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A no sir.

Q Did any of them own an improvement herein the old Choctaw Nation in the year 1830 when this treaty was made? A No sir, not as I know of.

Q Did any of them live here in the old Choctaw Nation at that time? A No sir.

Q Did any of your Choctaw ancestors remove from the State of Mississippi to the new Choctaw Nation west of the Mississippi River at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know, sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of them ever get any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement? A No sir, not as I know of.

Q Did any of them ever get any money from the Government? A No sir.

Q Are these same facts true as to your wife's ancestors? A Yes sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts, between the years

Joseph Haly et al--4

1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should finally be determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select, in lieu of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under that act of Congress? A No sir.

Q Did any of your wife's people ever appear before either of these Commissioners? A No sir, not as I know of.

Q Did any of them ever get any scrip? A No sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know.

Q Have you any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q You have no written evidence to offer at this time? A No sir.

Q No witnesses? A No sir-I have one witness, Mr. Ware, who will testify as to my wife's Indian blood.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?

A No sir.

Q You don't understand or speak the Choctaw language, do you? A No sir.

This applicant has very dark skin and straight, black hair,

Joseph Ealy et al---5

though his features would not indicate that he is possessed of Indian blood. He does not speak or understand the Choctaw language.

James Ware, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A James Ware.
Q How old are you? A Seventy-five.
Q What is your postoffice address? A Van Cleave, Mississippi, Jackson County.
Q How long have you lived there in Jackson county? A Lived there about seventy years-I was born and raised in that County-I was out of it about six years.
Q Are you acquainted with this applicant Joseph Ealy, who has just been before the Commission? A Yes.
Q How long have you known him? A Ever since he was a boy.
Q You are no relation to him? A No sir.
Q You are not interested in any way in the result of his application? A No sir.
Q What is his father's name? A We claim Anton Ealy is his father.
Q You testified this morning in his father's case, didn't you? A Yes sir.
Q Are you acquainted with Joseph's wife? A Yes sir.
Q What's her name? A I don't recollect her ~~name~~ given name--Olevia I think.
Q How long have you known her? A Ever since she was a little girl.
Q Is she older or younger than Joseph? A About the same age I expect.
Q Were you acquainted with their parents? A Yes sir.
Q What was her father's name? A John Bobinger.
Q What was her mother's name? A We always called her Tenies Ladnier. I never knewed that she had any other name. That's what we always called her.
Q Was John older or younger than you? A He was a little younger than me.
Q Was his wife younger than you? A She was about my age.
Q Did either he or his wife have Choctaw blood? A His wife had.
Q How much? A Her father was a half breed.
Q She was a quarter, then? A Yes sir.
Q Then Olevia must be about one-eighth Choctaw? A Yes, I suppose so.
Q How long did Olevia's mother live there in Jackson County? A She lived there about sixty years.
Q Was she born there? A Yes sir, she was born in Jackson County and lived there until she died.
Q What was her father's name? A Alex C. Ladnier.
Q He was one-half Choctaw, you say? A Yes sir.
Q But her mother had no Choctaw blood? A No sir, she had none.
Q What was she--her mother? A She was a colored woman but she was christened by the priest "free".
Q Has Joseph Ealy any colored blood in him? A Nothing but Choctaw I don't think.
Q No colored blood? A I don't think he's got a bit.

Joseph Baly et al---6

- Q Alex Ladnier was a half blood Choctaw? A yes sir.
Q Through which one of his parents did he get his Choctaw blood?
A His mother.
Q What was her name? A I don't recollect her name.
Q Did you ever see her? A No sir, but everybody said she was a Choctaw.
Q Full blood Choctaw? A Yes sir, and Ladnier was a Frenchman. That's all I know about it is what my father and all the old settlers said- they knew them well.
Q You don't know whether any of the ancestors of Olevia ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't have any idea they ever did- I never knowed of it.

The witness is a white man of average intelligence.

(Witness excused).

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February, 11th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 1st day of March, 1902, at Philadelphia, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *Mark*

Deputy.

Miss. Choc, 4725,
4726, 4727, 4730.

Muskogee, Indian Territory, March 15, 1902.

Joel R. Holcomb,
Purvis, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the
eleventh instant, inclosing the following papers for filing in support
of applications for identification as Mississippi Choctaws:

Certified copy of marriage license and certificate of
Franklin Bang and Cornelia Gurlie to be filed in the application of
Frank Bang, et al.

Certified copy of marriage license and certificate of Will-
iam Ely and Eliza Dobson, in support of the application of William
Ely, et al.

Certified copy of marriage license and certificate between
Joseph Ely and Catherine O. Bobinger, offered in support of the ap-
plication of Joseph Ely, et al.

There is returned to you herewith certified copy of the
marriage license and certificate between Edward J. Bang and Miss T.
Beltrou, which is offered in evidence presumably in the case of Ed-
ward Bang, but in the application of Edward Bang et al. for identi-

J.R.H. 2

fication as a Mississippi Choctaw it appears that the wife of Edward Bang is Esperance Bang, and before the inclosed marriage license and certificate can be accepted in this case it will be necessary to show the reason for this difference in names.

Yours truly,

Commissioner in Charge.

AD 1-15

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Joseph Ealy in the matter of his
application for the identification of himself, his wife and
minor children as Mississippi Choctaws, M.C.R. 4725.

J. R. Halcomb
Atty at Law

COPY

Muskogee, Indian Territory, April 17, 1903.

Joseph Ealy,

Vanderve, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anton Ealy, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|-------------|
| Anton Ealy, et al., | M.C.R. 4722 |
| Mary Carroll, et al., | M.C.R. 4723 |
| Mary R. Bolton, et al., | M.C.R. 4731 |
| Nancy Dobson, et al., | M.C.R. 5357 |
| Joseph Ealy, et al., | M.C.R. 4725 |
| William Ealy, et al., | M.C.R. 4730 |
| Eldwena Ealy, et al., | M.C.R. 5461 |
| Eliza Goff, et al., | M.C.R. 4724 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anton Ealy, Madaline Ealy, Mary Carroll, Abizear A. Carroll,

Joseph Ealy, -2

Toney Carroll, George Carroll, Earnest Carroll, Lydia M. Carroll, Mary R. Belton, James A. Belton, Alice C. Belton, Nancy Dobson, Mary Jane Dobson, William Dobson, Sabra A. Dobson, Joseph Ealy, Olevia Ealy, Toney Ealy, Joseph Ealy, Jr., John R. Ealy, Mary Ealy, Ruford Ealy, Bishop M. Ealy, Malinda M. Ealy, William Ealy, Rose A. Ealy, Earnest W. Ealy, Eldwena Ealy, Hazaline Ealy, Bessie Ealy, Ella Ealy, Laura Ealy, Liza Goff, Johnnie Goff, Frank Goff, Dovie Goff and Mollie Goff, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Yours truly,

Tams Dixey.

Chairman.

Registered.

COPY.

M.C.R. 4725.

Muskogee, Indian Territory, August 19, 1905.

Joseph Ealy,

Vanolive, Mississippi.

Dear Sir:

You are hereby notified that on the 4th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anton Ealy, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

No. 4725

For Identification as a Mississippi Choctaw.

Meridian, Miss

Date FEB 11 1902

Name Joseph Ealy

Age 40

Blood $\frac{1}{2}$

Post Office, Vancleave, Miss.

Father: Anton Ealy

L

Mother: Madeline

L

Claims through both parents.

Wife Olivia Ealy (Doesn't know)

39

Father John Bobinger -

d

Mother don't know =

d

Wife claims through mother

Claims for self, wife and 7 children

Children:

Isaac Ealy 15

Joseph " Jr. 13

John R " 11

Mary " 10

Reford " 7

Bishop M. " 5

Marinda " 3

Stenographer

J. S. Niles

Choctaw MCR 4726

Fran K Bang

See MCR 5356

MCR 4726

4726

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 11th, 1902.

In the matter of the application of Frank Bang for the identification of himself, his wife Cornelia and three minor children, Calhoun, Mary and Willie Bang, as Mississippi Choctaws.

APPEARANCES: Joel R. Holcomb, Attorney for applicant.

Said Frank Bang, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Frank Bang.
Q How old are you? A Twenty-eight.
Q How much Choctaw blood have you? A About a quarter, I reckon.
Q What is your postoffice address? A Van Cleave, Mississippi.
Q Jackson County? A Yes sir.
Q How long have you lived in Jackson County, Mississippi? A All my life.
Q Is your father living? A Yes sir.
Q What's his name? A Pierre Bang.
Q Is your mother living? A Yes sir.
Q What's her name? A Martha.
Q Has your father any Choctaw blood? A Yes sir.
Q How much? A I reckon he's about half.
Q Has your mother any Choctaw blood? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother. This should be furnished within a period of thirty days from this date.

- Q Has your father been before the Commission? A No sir.
Q Why not? A I don't know, sir-why he didn't come.
Q Where does he live? A In Jackson County, Mississippi.
Q Is he any relation to Benjamin Bang who appeared before the Commission here this afternoon? A Yes sir.
Q What relation? A Brother.
Q Full brother? A Yes sir.
Q Has your father lived in Jackson County all his life? A Yes sir.
Q Through which one of his parents did he get his Choctaw blood?
A From his mother, I think.
Q What was her name? A Rose, I believe.
Q Your father's father had no Choctaw blood, then? A I couldn't tell you whether he did or not.
Q How much Choctaw blood did Rose have? A I don't know, sir.
Q What makes you think, then, your father had half Choctaw blood?
A They claim that he has.
Q Does he speak the Choctaw language? A No sir.
Q Do you? A No sir.
Q Is your wife living? A Yes sir.
Q What's her name? A Cornelia.
Q Have you been married more than once? A No sir.
Q Has she? A No sir.
Q Has Cornelia any Choctaw blood? A Some, yes sir.

- Q How much? A About a quarter I guess.
- Q Do you want to make application for her too? A Yes sir, I guess so.
- Q Are you living with her at this time? A Yes sir.
- Q How old is she? A She's about twenty-three.
- Q How long has she lived in Jackson County? A Born and raised there.
- Q Is her father living? A Yes sir.
- Q What's his name? A Joe Garlic.
- Q Where does he live? A Jackson County, Mississippi.
- Q Is your wife's mother living? A No sir.
- Q What's her name? A Josephine.
- Q How long has she been dead? A I don't know, sir.
- Q Did your wife's mother have any Choctaw blood? A I don't know, sir.
- Q Has your wife's father any Choctaw blood? A Yes sir, some but I don't know how much.
- Q What makes you think, then, that your wife has as much as a quarter? A They say she has is all I knew.
- Q Can Joe Garlic speak or understand the Choctaw language? A No sir.
- Q Can your wife? A No sir.
- Q Where was Joe born? A Jackson County, Mississippi, I think.
- Q Lived there all his life? A Yes sir.
- Q About how old a man is he? A He's about sixty-five I reckon.
- Q Do you know the names of his parents-his father and mother? A I know the name of his mother but I don't know his father's name.
- Q What was his mother's name? A Elizabeth.
- Q What was her maiden name? A That I can't tell you.
- Q Where did she live during her life time? A She been there in Jackson County ever since I knowed her.
- Q Is she living now? A Yes sir.
- Q How old is she? A She's seventy-eight.
- Q Is she an Indian? A I think so.
- Q How much Indian blood has she? A She's about half or three-quarters.
- Q Does she speak the Choctaw language? A No sir.
- Q What other blood has she besides Indian blood? A I don't know.
- Q Has she an Indian name? A I don't know.
- Q Has she ever been before the Commission? A No sir.
- Q How many children have you living? A Three.
- Q What are their names and ages? A Calhoun.
- Q A boy? A Yes sir.
- Q How old? A Four years old.
- Q Next one? A Mary.
- Q How old? A Two years old.
- Q Next one? A Willie.
- Q How old? A One month old.
- Q This application, then, is for yourself, your wife and three children, is that right? A Yes sir.
- Q Is Willie a boy? A Yes sir.
- Q Are these three children all the children of yourself and Cornelia? A Yes sir.
- Q They are living with you now? A Yes sir.
- Q Were you married to her under a license? A Yes sir.
- Q Where? A In Jackson County.
- Q When? A I been married about five years.

Frank Bang et al---3

Q Who married you? A A fellow by the name of Whittington.
Q What official position did he hold? A I don't know.
Q Preacher, was he? A Yes sir.

It will be necessary for you to furnish proper evidence of your marriage to Cornelia. This should be furnished within a period of thirty days from this date.

Q Is your name or your wife's name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
Q Has any application of any description ever been made before today for yourself, your wife or anyone of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, wife and three minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir, I think I do.
Q You have heard it explained here several times today, haven't you? A Yes sir.
Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits thereunder? A No sir.
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A No sir.
Q Did any of them live here at that time in the old Choctaw Nation? A Yes sir.
Q Where? A In Jackson County, Mississippi.
Q They wasn't in the old Choctaw Nation at that time, but they were living in Jackson County, were they? A Yes sir.
Q What one of your ancestors or your wife's ancestors were living here then? A That I couldn't say.
Q Did any of your ancestors or your wife's ancestors remove out to the new nation west of the Mississippi River when the greater portion of the Choctaw Tribe of Indians moved out there between the years 1833 and 1838? A No sir.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens and take land? A I don't know, sir.
Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir.
Q Did any of them ever get any land from the Government under any other provision in that treaty? A No sir.
Q Or any money from the Government? A No sir.
Q As far as you know, then, none of your ancestors and none of your wife's ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
Q You heard me explain to Edward Bang, the applicant who just appeared before the Commission prior to your appearance about certain Commissions which were appointed under acts of Congress approved between the years 1837 and 1842, did you not? A Yes sir.

Frank Bang et al--4

Q Did any of your ancestors or any of your wife's ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?
A No sir.

Q Did any of your ancestors or any of your wife's ancestors receive any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A No sir.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A None that I know of.

Q Do you know of any written evidence of any description which would show or tend to show such a State of facts? A No sir.

Q Have you any written evidence to offer at this time? A No sir.

Q Have you any witnesses here today? A None but Mr. Ware who testified in the Anton Ealy case.

If you should find any further witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?
A No sir.

Q Have you any brothers living? A Yes sir.

Q How many? A Three.

Q What are their names? A Joseph Bang, Pierre Bang and Willie Bang.

Q Have you any sisters living? A Yes sir.

Q How many? A Four.

Q What are their names? A Mary Robinger is the oldest one.

Q Next one? A Lizzie Anderson.

Q Next one? A Luella Bang, she aint married.

Q Next one? A Lillian Bang.

Q Is that all? A Yes sir.

Q Have you any brothers or sisters dead who left children? A No sir.

Q Has your wife any brothers or sisters living? A Yes sir.

Q How many brothers? A One.

Q What's his name? A George Garlio.

Q Has she any sisters living? A Yes sir.

Q How many? A Three, I believe.

Q What are their names? A Mahala is one.

Q Is she married? A Yes sir.

Q What's her husband's name? A Dick Phelps.

Q Next one? A Minnie.

Q Is she married? A Yes sir.

Q What's her husband's name? A John Bang.

Q Next one? A I don't know the other's name.

Q Is she married? A Yes sir.

Q Where do these people live? A They all live in Jackson County.

Q Have any of them been before the Commission? A No sir, not that I know of.

Frank Bang et al--5

Q Are any of your wife's father's brothers or sisters living? A No sir, not that I know of.

Q Are any of the children of any of them living? A Not that I know of.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a white man-- shows no indications of being possessed of Indian blood-- does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 11th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 4th day of March, 1902, at Philadelphia, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

Miss. Choc, 4725,
4726, 4727, 4730.

Muskogee, Indian Territory, March 15, 1902.

Joel R. Holcomb,
Purvis, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the
eleventh instant, inclosing the following papers for filing in support
of applications for identification as Mississippi Choctaws:

Certified copy of marriage license and certificate of
Franklin Bang and Cornelia Gurlie to be filed in the application of
Frank Bang, et al.

Certified copy of marriage license and certificate of Will-
iam Ely and Elisa Dobson, in support of the application of William
Ely, et al.

Certified copy of marriage license and certificate between
Joseph Ely and Catherine O. Nobinger, offered in support of the ap-
plication of Joseph Ely, et al.

There is returned to you herewith certified copy of the
marriage license and certificate between Edward J. Bang and Miss T.
Heltren, which is offered in evidence presumably in the case of Ed-
ward Bang, but in the application of Edward Bang et al. for identi

J.E.H. 2

fication as a Mississippi Choctaw it appears that the wife of Edward Bang is Esperance Bang, and before the inclosed marriage license and certificate can be accepted in this case it will be necessary to show the reason for this difference in names.

Yours truly,

Commissioner in Charge.

AB 1-15

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Frank Bang in the matter of his
application for the identification of himself and his minor children
as Mississippi Choctaws, M.C.R. 4726.

J. H. Holcomb
Atty at Law

COPY.

Muskogee, Indian Territory, April 17, 1903.

Frank Bang,

Vanderveer, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Edmo Bang, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|----------------------------|-------------|
| Edmo Bang, et al., | M.C.R. 5356 |
| Margaret Ann Mason, | M.C.R. 5358 |
| Celestine Davis, et al., | M.C.R. 5359 |
| Mary Jane Waltman, et al., | M.C.R. 5480 |
| Benjamin Bang, et al., | M.C.R. 4725 |
| Frank Bang, et al., | M.C.R. 4726 |
| Henry Bang, et al., | M.C.R. 5482 |
| Edward Bang, et al., | M.C.R. 4727 |

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Edmo Bang, Celestine Bang, Louis Moore, Celestine Moore, Margaret Ann Mason, Celestine Davis, Martha C. Davis, Ransom H. Davis, Mary Jane Waltman, Sylvester Waltman, Willie J. Waltman, James Waltman,

Ernest Waltman, Mary M. Waltman, John Waltman, Lee Waltman, Benjamin Bang, Rosalie Bang, Frank Bang, Frank Bang (2), Cornelia Bang, Calhoun Bang, Mary Bang, Willie Bang, Henry Bang, Nancy E. Bang, Rufus Bang, Mary Bang (2), Edward Bang, Viola Bang, Diola Bang, Teniese Bang, Rosa Bang, Mandy Bang, Arlonie Bang, Ezien Bang and Edward Bang, Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S)

Tams Bixby.
Chairman.

Registered.

M.C.R. 4726.

COPY.

Muskogee, Indian Territory, July 27, 1903.

Frank Bang,

~~Okmulgee, Mississippi.~~

Dear Sir:-

You are hereby notified that on the 7th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Edna Bang et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Identification as a Mississippi Choctaw

Meridian Miss

FEB 11 1902

Date

Name Frank Bang

Age 28

Blood $\frac{1}{4}$

Post Office, Vancleaver, Miss.

Father: Pierre Bang ($\frac{1}{2}$) L

Mother: Martha " L

Claims through Father

Wife Cornelia Bang ($\frac{1}{4}$) 23

Father Joe Garlic L

Mother Josephine " d

Wife (claims through father)

Claims of Bang wife " children

Children:

Calhoun Bang 4

Mary " 2

Willie " (m) 1m

Stenographer

J. S. Niles

Choctaw MCR 4727

Edward Bang

See MCR 5356

MCR 4727

4721

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 11th, 1902.

In the matter of the application of Edward Bang for the identification of himself and eight minor children, Viola, Diola, Teniese, Rosa, Mandy, Arlonie, Esien and Edward Bang, as Mississippi Choctaws.

APPEARANCES: Joel R. Holcomb, Attorney for applicants.

Said Edward Bang, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Edward Bang.
- Q How old are you? A I'm going on thirty-nine.
- Q How much Choctaw blood have you? A I claim that my mother was half Indian and my daddy was half Indian.
- Q That would make you one-half? A Yes sir.
- Q What is your postoffice address? A Van Cleave, Mississippi.
- Q What County? A Jackson County.
- Q How long have you lived there? A Been there ever since I was born.
- Q Is your father living? A Yes sir.
- Q What's his name? A Esien Bang.
- Q Is your mother living? A No sir.
- Q What was her name? A Mandy Thomas.
- Q That was her maiden name? A Yes sir.
- Q You claim that your father is half and your mother was one-half Choctaw? A Yes sir.
- Q Where does your father live? A He lives at Perkinson, Harrison County.
- Q This State? A Yes sir.
- Q How long has he lived in Harrison County? A About three or four years.
- Q Where did he live before that? A In Van Cleave, Mississippi-born and raised right there.
- Q About how old a man is he? A About fifty five years old-fifty or fifty-five.
- Q Is he any relation to Benjamin Bang who just appeared before the Commission? A Yes sir, brothers.
- Q Do you know the names of your father's father and mother? A No sir, I don't know the names of them.
- Q Did they live in Jackson County, too? A Yes sir, they come from Gulf Creek and stayed right there in Jackson County. The old man died there.
- Q When did your mother die? A I don't know sir, it's been about sixteen years.
- Q About how old was she when she died? A She was forty or forty-five.
- Q Do you know the name of her father? A His name was John Thomas.
- Q Did he have any Choctaw blood? A Her mother's side had some.
- Q Did John Thomas have any Choctaw blood? A No sir, I don't think he did.
- Q How long has he been dead? A I don't know, sir-I never seed him. She came here as an orphan child.

Edward Bang et al--2

Q How much Choctaw blood did your mother's mother have? A I don't know, sir-she claimed that she was half Indian.

Q Do you know what her name was? A No sir, her grandmother had Indian in her too-that's what she claimed.

Q Where did your mother come from to Jackson County, Mississippi? A She come from-I don't know exactly where she was born and raised but she come from Harrison County.

Q How old was she at that time? A I don't know, sir.

Q You have ~~xxxxxx~~ told all you know about your ancestors, have you? A Yes sir, only they said my father's grandmother was a full blood Indian. That's what I heard.

Q What was her name? A I don't know, sir.

Q Is your wife living? A Yes sir.

Q What's her name? A Esperance Bang.

Q You make no claim for her? A No sir.

Q How many children have you living at this time for whom you want to make application? A Eight.

Q What are their names and ages? A The oldest are Viola and Diola-they're twins.

Q They are both girls? A Yes sir.

Q How old are they? A Fourteen years old.

Q Next one? A Twelve.

Q What's the name? A Teniese.

Q Next one? A Her name is Rosa.

Q How old? A She's ten years old.

Q Next one? A Mandy.

Q How old? A She's eight.

Q Next one? A She's four, I be live, or five.

Q What's the name? A Arlonie.

Q Next one? A The two little boys-twins-Eaien and Edward.

Q How old are these boys? A They're going on two years old.

Q Is that all your children? A Yes sir.

Q This application, then, is for yourself and eight minor children? A Yes sir.

Q Are these eight children living with you at this time? A Yes sir.

Q Are they all the children of yourself and your wife Esperance Bang? A Yes sir.

Q Were you married to her under a license? A Yes sir.

Q When? A I can't tell you-I married sixteen years ago.

Q Where? A Van Cleave, Mississippi-got the license from Mr. Bill Martin.

Q Clerk? A No sir, he just had license there to distribute in the settlements.

Q Who married you? A Preacher Roberts.

Q Have you that marriage license and certificate with you here? A No sir, I haven't.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Esperance for use in connection with the application you make in behalf of your minor children. This should be furnished within a period of thirty days from this date.

Is your name or the name of anyone of these children to be found

Edward Bang et al--3

on any of the Choctaw Tribal rolls in Indian Territory? A No sir.

Q Have you ever made any application of any kind before today for yourself or any of these children? A I made application for myself but not in this way-I made it at Jackson for a homestead.

Q You never tried to establish your Indian rights before? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and eight minor children, under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir, providing that this claim don't conflict with that other claim there at Jackson.

Q You are referring to the homestead claim there at Jackson? A Yes sir.

This won't affect your homestead claim at all.

Q You understand this 14th article of the treaty of Dancing Rabbit Creek, do you? A No sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be entitled to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that now? A No sir, I don't understand it.

Well, if a Choctaw who lived here 71 years ago, when the treaty was made, wanted to stay here and become a citizen of the States, and take land under article 14 of the treaty, he was required by that 14th article to let the Agent of the Government here in Mississippi know, within six months from the time the treaty was ratified, that he did want to stay here. This treaty was ratified on the 24th day of February, 1831, -so, within six months from that time he was required to let the Agent know that he wanted to stay here and he was thereupon entitled to a reservation of one section of 640 acres of land to be bounded by sectional lines of survey. For each child in his family over ten years of age he was entitled to a half section or 320 acres of land. For each child in his family under ten years of age he was entitled to a quarter section or 160 acres of land. Now, the childrens' reservations must adjoin the location of the parent under this 14th article, and these reservations must include the improvement of the parent as it existed on the 27th day of September, 1830, the day the treaty was made. Now, if the Indian lived on this land, intending to become a citizen of the States, for five years from February 24, 1831, he was entitled to a grant in fee simple for the land - that is the Government would give him a deed or patent to the land and it would be his then to dispose of whenever he wanted to. That 14th article provided further that persons who claimed under that article should not lose the privilege of a Choctaw citizen but if they ever removed, that is, if they ever went out to the new nation, they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year by the United States Government to the Choctaws under treaty provisions.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation here in Mississippi or Alabama 71 years ago, when this treaty was made? A Not as I know of.

Q Did any of them live here in the old Choctaw Nation 71 years ago? A I reckon they did.

Q Where did they live? A Right here at Van Cleave, Mississippi.

Q That's in Jackson County? A Yes sir, that's where all my folks lived.

Q Did any of your ancestors remove from Mississippi to the present Choctaw Nation in Indian Territory at the time of the removal of the Greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I never did know.

Edward Bang et al--5

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of them ever get any land under any other provision of that treaty? A No sir.

Q Did any of them ever get any money from the Government? A No sir, not as I know of.

Q So far as you know, then, none of your people ever received any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land under that article. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A Not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't.
Q Do you know of any written evidence which would show or tend to show such a state of facts? A No sir, I do not.
Q Have you any written evidence to offer at this time? A No sir.
Q Have you any witnesses here today? A I've got one, Mr. Ware.
Q He testified in the Anton Ealy case, did he not? A I think he did.

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may appear before us here this week or within a reasonable time thereafter in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?
A No sir.
Q Have you any brothers living? A Yes sir.
Q How many? A One full brother and four half brothers.
Q What's the name of your full brother? A Esien Bang.
Q What are the names of your half brothers? A Sam, Galby, John and Henry Bang.
Q Have any of them been before the Commission? A No sir.
Q Has your father been before the Commission? A No sir, he wanted to come up here but didn't have the money to come.
Q Have you any sisters living? A Yes sir, I got two sisters.
Q What are their names? A I can't think of it. One of them is called Lou and the other is called Sis.
Q Are they married? A Yes sir, one of them is.
Q Which one of them is married? A Lou.
Q What's her husband's name? A Cedar Bang; she married her cousin.
Q Have you any brothers or sisters dead? A I got two sisters dead and one brother.
~~XXXXXXXXXXXX~~
Q Were any of them grown at the time of their death? A No sir.
Q Has your father any brothers living? A Yes sir, old man Ben and some others.
Q That's the man who was just on the stand before you? A Yes sir.
Q Has your mother any brothers living? A No sir, not as I know of.
Q Or any sisters? A No sir, not as I know of.
Q Has your mother any brothers or sisters dead who left children?
A She got some dead but I don't know where they are--I don't know their names. I don't know whether any of them left children or not.
Q Do you speak or understand the Choctaw language? A No sir, I can't speak it; my mother could speak it a little but I couldn't.

This applicant has a very dark complexion--dark eyes--black straight hair--his features, however, would not indicate that he is possessed of as much Indian blood as is claimed by him. He does not speak or understand the Choctaw language.

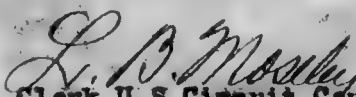
Ira S. Niles, being first duly sworn, states that as stenographer

Edward Bang et al--7

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 11th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 3rd day of March, 1902,
at Philadelphia, Mississippi.


Clerk U. S. Circuit Court, Southern
District of Mississippi.

By 

Deputy.

Miss. Choc. 4725,
4726, 4727, 4730.

Muskogee, Indian Territory, March 15, 1902.

Joel R. Holcomb,

Purvis, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the eleventh instant, inclosing the following papers for filing in support of applications for identification as Mississippi Choctaws:

Certified copy of marriage license and certificate of Franklin Bang and Cornelia Gurlic to be filed in the application of Frank Bang, et al.

Certified copy of marriage license and certificate of William Ely and Eliza Dobson, in support of the application of William Maly, et al.

Certified copy of marriage license and certificate between Joseph Ely and Catherine O. Bobinger, offered in support of the application of Joseph Maly, et al.

There is returned to you herewith certified copy of the marriage license and certificate between Edward J. Bang and Miss T. Baltren, which is offered in evidence presumably in the case of Edward Bang, but in the application of Edward Bang et al. for identi

J.B.H. 2

fication as a Mississippi Choctaw it appears that the wife of Edward Bang is Esperance Bang, and before the inclosed marriage license and certificate can be accepted in this case it will be necessary to show the reason for this difference in names.

Yours truly,

Commissioner in Charge.

AB 1-15

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Edward Bang in the matter of his
application for the identification of himself and his minor children
as Mississippi Choctaws, M.C.R. 4727.

J. M. Holcomb
att'y at law

COPY.

Muskogee, Indian Territory, April 17, 1903.

Edward Bang,

Vanderve, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Edmo Bang, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|----------------------------|-------------|
| Edmo Bang, et al., | M.C.R. 5356 |
| Margaret Ann Mason, | M.C.R. 5358 |
| Celestine Davis, et al., | M.C.R. 5359 |
| Mary Jane Waltman, et al., | M.C.R. 5480 |
| Benjamin Bang, et al., | M.C.R. 4728 |
| Frank Bang, et al., | M.C.R. 4726 |
| Henry Bang, et al., | M.C.R. 5482 |
| Edward Bang, et al., | M.C.R. 4727 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Edmo Bang, Celestine Bang, Louis Moore, Celestine Moore, Margaret Ann Mason, Celestine Davis, Martha C. Davis, Ransom H. Davis, Mary Jane Waltman, Sylvester Waltman, Willie J. Waltman, James Waltman, Ernest

Waltman, Mary M. Waltman, John Waltman, Lee Waltman, Benjamin Bang, Rosalie Bang, Frank Bang, Frank Bang (2), Cornelia Bang, Calhoun Bang, Mary Bang, Willie Bang, Henry Bang, Nancy E. Bang, Rufus Bang, Mary Bang (2), Edward Bang, Viola Bang, Diola Bang, Teniese Bang, Rosa Bang, Mandy Bang, Arlonie Bang, Esien Bang and Edward Bang, Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

M.C.R. 4727.

COPY.

Muskogee, Indian Territory, July 27, 1903.

Edward Bang

Vandalia, Mississippi.

Dear Sir:-

You are hereby notified that on the 7th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Edmo Bang et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.
Meridian Miss

Date

FEB 11 1902

Name *Edward Bang*

Age 38

Blood $\frac{1}{2}$

Post Office, *Vaneleave, Miss.*

Father: *Ezien Bang* $\frac{1}{2}$ *I*

Mother: *Mandy* " $\frac{1}{2}$ *I*

Claims through both parents.

Wife *Esperance Bang* *I*
 no claim for wife.

Claims for *Esperance Bang*

Children:

| | | | |
|-------------------|---------|-----|----|
| <i>Viola Bang</i> | (Twins) | F | 14 |
| <i>Diola</i> | " | F | 14 |
| <i>Jeniece</i> | " | F | 12 |
| <i>Rosa</i> | " | | 10 |
| <i>Mandy</i> | " | | 8 |
| <i>Arlozie</i> | " | | 5 |
| <i>Ezien</i> | " | (M) | 1 |
| <i>Edward</i> | " | (M) | 1 |

Stenographer

J. S. Stiles

Choctaw MCR 4728

Benjamin Bang

See MCR 5356

MCR 4728

4728

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 11th, 1902.

In the matter of the application of Benjamin Bang for the identification of himself, his wife Rosalie, and one minor child, Frank Bang, as Mississippi Choctaws.

APPEARANCES: Joel R. Holcomb, Attorney for applicant.

Said Benjamin Bang, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Benjamin Bang.
- Q How old are you? A About sixty-nine.
- Q How much Choctaw blood have you? A Well, quarter I reckon.
- Q What is your postoffice address? A Van Cleave.
- Q Jackson County, Mississippi? A Yes sir.
- Q How long have you lived in Jackson County? A I been raised right there.
- Q Lived there all your life? A yes sir.
- Q Is your father living? A No sir, he's been dead long ago.
- Q What was his name? A Elien Bang.
- Q Is your mother living? A No sir.
- Q What was her name? A Rose Bang.
- Q Did your father have any Choctaw blood? A Yes sir.
- Q How much? A Well, he was about a quarter, I reckon.
- Q Did your mother have any Choctaw blood? A Yes sir.
- Q How much? A She was about half Indian.
- Q You don't know just how much Choctaw blood she had? A No sir, I don't know exactly-Mr Ware can tell you more about it than I can.
- Q How old would your father be if he were living now? A I don't know-he would be over 100 years I reckon.
- Q Was your mother about the same age as he was? A My mother was one hundred and three years old when she died.
- Q When did she die? A Its been four or five years ago.
- Q What other blood did your mother have besides Choctaw? A Spanish, I believe-I've always heard that.
- Q What other blood did your father have besides Choctaw? A Well, I can't hardly tell you-its been so long he been dead I cant tell you.
- Q Do you know the name of your father's father or his mother? A No sir.
- Q Do you know the name of your mother's father or her mother? A Yes sir, I believe his name was Pierre Ladnier.
- Q He was your mother's father? A yes sir.
- Q Did he have any Choctaw blood? A I don't know if he had or not.
- Q Did your mother's mother have any Choctaw blood? A I don't know, sir; I can't tell you-its been so long and I was so little. I don't know.
- Q Do you know what her name was? A No sir, I don't know.
- Q Have your ancestors, so far as you know, always lived in Jackson County, Mississippi? A yes sir.
- Q As far back as you know? A Yes sir.
- Q What's the name of your wife? A Rosalie Bang.
- Q How old is she? A Well, she's about fifty-five, I reckon.
- Q You claim for her too, do you? A yes sir.

Benjamin Bang et al--2

- Q How much Choctaw blood has she? A About a quarter.
Q Has she always lived in Jackson County? A Yes sir, born and raised there.
Q Is her father living? A No sir.
Q What has his name? A Pierre Ladnier.
Q The same name as our mother's father? A Yes sir.
Q Were your wife's father and your mother's father any kin? A My mother and my wife's daddy were brother and sister.
Q Is your wife's mother living? A No sir.
Q What was her name? A I don't know.
Q Which one of your wife's parents had Choctaw blood-her mother or her father? A Her mother.
Q How much Choctaw blood did she have? A I don't know how much she had.
Q Did you ever see her? A Yes sir.
Q Still you don't remember her name? A No sir.
Q Do you know the name of either one of your wife's mother's parents-her grandparents on her mother's side? A No sir.
Q Have all of your wife's people always lived down there in Jackson County so far as you know? A Yes sir.
Q Were you married to your wife under a license? A Yes sir.
Q Have you that license with you? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Rosalie. This should be furnished within a period of thirty days from this date.

- Q How many children have you under age? A One.
Q What's his name? A Frank.
Q Is he living with you? A Yes sir.
Q How old is he? A Sixteen years old.
Q Is he the child of yourself and Rosalie Bang? A Yes sir.
Q This application is for yourself, your wife and one child? A Yes sir.
Q Is your name or your wife's name or the name of this child to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.
Q Has any application of any kind ever been made before today for yourself, or your wife or this child for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q This is the first application of any kind, is it? A Yes sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, wife and minor child under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q You have heard it repeated here several times during the day? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits under that article? A No sir.
Q Where were your people living in 1830 when this treaty was made-71 years ago? A Down in there.

Benjamin Bang et al---3

Q In Jackson County? A Yes sir-they been raised right there.

Q Did any of them move out west to the new nation? A No sir.

Q Did any of them own an improvement here in the old Choctaw Nation in 1830? A No sir.

Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A No sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the Treaty of Dancing Rabbit Creek? A No sir.

Q Did any of them ever get any money from the Government? A No sir.

Q Or any land from the Government, anywhere? A They got a little down there.

Q From whom? A I cant tell you.

Q They didn't get it from the Government under this old treaty of Dancing Rabbit Creek, you are sure? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land under that article. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land, and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of them ever get any scrip from the Government under the act of Congress approved August 23, 1842? A No sir.

Q None of your wife's ancestors ever received any benefits under article 14 of the treaty of Dancing Rabbit Creek, did they? A No sir.

- Q None of them ever complied with its provisions? A No sir.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence to offer at this time? A No sir.
- Q Have you any witnesses here today? A Yes sir, Mr. Ware, who testified in the Anton Ealy case.
- Q Are you any relation to Anton Ealy's wife? A Yes sir, she's my sister.
- Q Full sister? A Yes sir.
- Q What's her name? A Madaline.

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make in support of this application? A No sir.
- Q Have you any children over age or married? A Yes sir.
- Q How many? A Two married.
- Q How many over age? A One.
- Q You have four children living now, altogether? A Yes sir.
- Q One under age and three over age? A Yes sir.
- Q What are the names of these three children over age? A One is named Benjamin Bang Jr., Alfred Bang, and Pierre Bang.
- Q Have any of them been before the Commission? A No sir.
- Q Are any of them here now? A No sir.
- Q Have you any children dead who left children? A No sir.
- Q Have you any brothers living? A Yes sir.
- Q How many? A I've got four, I believe.
- Q Your brothers? A Yes sir.
- Q What are their names? A The oldest one is Edmo Bang.
- Q Where does he live? A Down in Jackson County.
- Q Next one? A Ezien Bang.
- Q Where does he live? A Harrison County.
- Q Where does the next one of your brothers live? A He lives right there about where I live in Jackson County-his name is Pierre.
- Q What is the name of the next one of your brothers? A Edward.
- Q Where does he live? A In Jackson County.
- Q Have you any other sisters living besides the wife of Anton Ealy? A No sir, that's the only sister I ever had.
- Q Have you any brothers dead? A One of them.
- Q How old was he when he died? A He was 21 when he died.
- Q Was he married? A No sir.
- Q Has your wife any brothers or sisters living? A Got two sisters and one brother.
- Q What is the name of the brother? A Louis Ladnier.
- Q Where does he live? A In Jackson County.
- Q What are the names of her sisters? A One is Mary and the other one is Celestine-she lives down there.

Benjamin Bang et al--5

Q Is Mary married? A Yes sir-she lives in Soranton.

Q What's her husband's name? A Frank Henry.

Q Is Celestine married? A Yes sir,she married my brother Edmo Bang.

Q Has your wife any brothers or sisters dead? A Yes sir,she had three brothers that died.

Q How old were they when they died? A They were getting pretty old.

Q Did any of them leave children? A Yes sir.

Q What was the name of the oldest one of her brothers who is dead? A Gilbert Ladnier.

Q Are any of his children living now? A Yes sir.

Q What are their names? A I can't tell you.

Q Where do they live? A They live in Soranton, Mississippi.

Q What is the name of the next one of your wife's brothers who is dead? A Jim.

Q Did he leave children? A Yes sir.

Q Where do they live? A In Soranton.

Q Do you know their names? A No sir,I do not.

Q What is the name of the next one of your wife's brothers? A Sylvan.

Q Did he leave children? A Yes sir.

Q Do you know their names? A No sir,I don't know their names.

Q Has your wife any sisters dead? A Two.

Q Did they leave children? A Yes sir.

Q What was the name of your wife's oldest sister who is dead? A Toniese.

Q What was her other name? A She married a Bobinger.

Q Are any of the children of these people living? A Well, I know all of them.

Q What are their names? A Sam Bobinger.

Q Next one? A Frederick.

Q Next one? A Alex.

Q Next one? A Mike.

Q Which one comes after Mike? A Pierre-he is here today.

Q Next one after him? A That's all.

Q What's the name of the next one of your wife's sisters who is dead? A Cecile.

Q Are any of her children living? A Yes sir,they are all living pretty much.

Q What was Cecile's married name? A She married William Page.

Q What are the names of her children who are living? A Robert is one.

Q Do you know any more of them? A I don't know their names.

Q Are any of your mother's brothers or sisters or any of your father's brothers or sisters living? A No sir.

Q Are any of their descendants living? A No sir.

Q Are any of your wife's mother's brothers or sisters or any of your wife's father's brothers or sisters or any of their descendants living? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Are there any further statements you want to make at this time?

A No sir.

This applicant has a very dark skin-dark eyes-straight black hair-his cheek bones are inclined to be high-his personal appearance would indicate that he might be pos-

Benjamin Bang et al---6

essed of as much Indian blood as is claimed by him-he
does not speak or understand the Choctaw language.

Ira S. Wiles, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all proceedings had in the above entitled cause, heard at Meridian,
Mississippi, February 11th, 1902, and that the above and foregoing is
a full, true and correct transcript of his stenographic notes taken
in said proceedings on said date.



Subscribed and sworn to before me this the 3rd day of March, 1902,
at Philadelphia, Mississippi.

L. B. Mosley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Benjamin Bangs in the matter of
his application for the identification of himself and his minor
child as Mississippi Choctaws, M.C.R. 4728.

J. N. Holcomb
Atty at Law

COPY.

M.C.R. 4728

Muskogee, Indian Territory, April 17, 1903.

Benjamin Bang,

Vancleave, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Edmo Bang, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|----------------------------|-------------|
| Edmo Bang, et al., | M.C.R. 5356 |
| Margaret Ann Mason, | M.C.R. 5358 |
| Celestine Davis, et al., | M.C.R. 5359 |
| Mary Jane Waltman, et al., | M.C.R. 5480 |
| Benjamin Bang, et al., | M.C.R. 4728 |
| Frank Bang, et al., | M.C.R. 4726 |
| Henry Bang, et al., | M.C.R. 5482 |
| Edward Bang, et al., | M.C.R. 4727 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Edmo Bang, Celestine Bang, Louis Moore, Celestine Moore, Margaret Ann Mason, Celestine Davis, Martha C. Davis, Ransom H. Davis, Mary Jane Waltman, Sylvester Waltman, Willie J. Waltman, James Waltman, Ernest Waltman, Mary M. Waltman, John Waltman, Lee Waltman,

Benjamin Bang, Rosalie Bang, Frank Bang, Frank Bang (2), Cornelia Bang, Calhoun Bang, Mary Bang, Willie Bang, Henry Bang, Nancy E. Bang, Rufus Bang, Mary Bang (2), Edward Bang, Viola Bang, Diola Bang, Teniese Bang, Rosa Bang, Mandy Bang, Arlonie Bang, Ezien Bang and Edward Bang, Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.
Chairman.

Registered.

M. C. R. 4728.

COPY.

Maakeges, Indian Territory, July 27, 1903.

Benjamin Bang,

Vandevre, Mississippi.

Dear Sir:-

You are hereby notified that on the 7th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Edmo Bang et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

#1754

No

2728

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date

Feb 1 1902

Name

Benjamin Bang

Age

69

Blood

1/4

Post Office,

Vancelev, Miss.

Father:

Ezien

Bang (1/4) d

Mother:

Rose

"

d

Claims through

both parents.

Wife

Rosalie Bang (1/4) 55

Father

Pierre Ladpier

d

Mother

do not know

d

Large claims through mother.

Claims for 1/4 wife also 1/4

Children:

Frank

Bang

16

Stenographer

J. S. Wiles

Choctaw MCR 4729

Pierre Bobinger

See MCR 5479

MCR 4729

4729

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 11th, 1902.

In the matter of the application of Pierre Bobinger for the identification of himself, his wife Mary and eight minor children, Linnie, Martha T., Levi, Ella, Sarah, Leonard, Soulie R., and Ferdinand C. Bobinger, as Mississippi Choctaws.

APPEARANCES: Joel R. Holcomb, Attorney for applicant.

Said Pierre Bobinger, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Pierre Bobinger.
Q How old are you? A Forty-three.
Q How much Choctaw blood have you? A Well, I don't know, sir-I reckon about half.
Q Can you swear that you have half Choctaw blood? A Yes sir.
Q You understand the nature of an oath, don't you? A Yes sir.
Q What is your postoffice address? A McHenry, Harrison County, Mississippi.
Q How long have you lived in Harrison County? A About three years.
Q Where did you live before that? A Jackson County.
Q How long did you live there? A All my life.
Q Is your father living? A No sir.
Q What was his name? A John Bobinger.
Q Is your mother living? A No sir.
Q What was her name? A Teniese.
Q Did your father have any Choctaw blood? A No sir.
Q Did your mother? A Yes sir.
Q How much did she have? A I suppose she must have had something over three-quarters-nearly full-her mother was a full blood Indian and her father must have been about half. Old Mr Ware was raised and born with them and he can tell more than I can.
Q How long has your mother been dead? A About twenty-one years.
Q About how old was she when she died? A She must have been about sixty years old when she died.
Q Did she live in Jackson County all her life? A Yes sir.
Q Did she speak the Choctaw language? A No sir, she could understand it.
Q What was her mother's name? A I don't know, sir.
Q Do you know her father's name? A No sir.
Q Did they live in Jackson County all their lives? A Yes sir.
Q I think I can tell you her father's name-I heard her say her father's name was Alex G. Ladnier.
Q Do you know whether he had any Choctaw blood? A She said he was about half.
Q Who told you that? A I heard my father talk about it.
Q You never saw Ladnier, did you? A No sir.
Q Did you ever hear of any of your Choctaw ancestors living anywhere except in Jackson County? A No sir.
Q Are you married? A Yes sir.
Q What's your wife's name? A Mary.
Q Has she any Choctaw blood? A Yes sir.
Q How much? A I suppose about a quarter.

- Q Do you want to make application for her? A Yes sir.
- Q How old is she? A Thirty-three.
- Q Has she lived in Mississippi all her life? A Yes sir.
- Q Where was she born? A In Jackson County.
- Q Lived there until you moved to Harrison County three years ago?
- A Yes sir.
- Q Does she speak the Choctaw language? A No sir.
- Q Is her father living? A Yes sir.
- Q What's his name? A Pierre Bang.
- Q Is her mother living? A Yes sir.
- Q What's her name? A Martha Bang.
- Q Has your wife's father any Choctaw blood? A Yes sir.
- Q How much? A I don't know, sir, I couldn't tell-I suppose about half.
- Q Has your wife's mother any Choctaw blood? A No sir.
- Q Were your wife's parents lawfully married? A Yes sir.
- Q What evidence have you of that fact? A I heard them say they were and I heard them talking about the man that married them.
- Q How many children did they raise? A Eight.
- Q Have they always lived in Jackson County? A The mother was born in Wayne County and she moved to Jackson when she was quite young.
- Q Do you know the name of the father or mother of Pierre Bang-your wife's father? A Yes sir, his mother was named Rose Bang-I forgot the old man's name.
- Q Which one of them had Choctaw blood? A They both had Choctaw blood.
- Q Did you know either one of them, ? A I knew the old lady.
- Q How much Choctaw blood did she have? A I couldn't tell you exactly. I never did hear her say. I heard they claimed it.
- Q Is Pierre Bang any relation to Benjamin Bang who appeared before the Commission here today? A Yes sir, he's a brother-a full brother.
- Q What was your mother's maiden name? A Teniese Ladnier.
- Q How many children have you living? A Eight.
- Q What are their names and ages? A Linnie.
- Q Is that a girl? A Yes sir.
- Q How old? A She's about eighteen.
- Q Next one? A Martha T.
- Q How old? A She's about sixteen.
- Q Next one ? A Levi.
- Q How old? A He's going on fourteen.
- Q Next one? A Ella.
- Q How old? A She's going on twelve.
- Q Next one? A Sarah.
- Q How old? A She's going on ten.
- Q Next one? A Leonard.
- Q How old? A He's about eight.
- Q Next one? A Soulie E.
- Q How old? She's about six.
- Q Next one? Ferdinand C.
- Q How old? A About two years old.
- Q Is that all your children? A Yes sir.
- Q Are they all living with you at this time? A Yes sir.
- Q Are they all the children of yourself and Mary? A Yes sir.
- Q Were you married to her under a license? A Yes sir.
- Q When? A About nineteen years ago.

Pierre Robinger et al---3

Q Where? A Van Cleave, Jackson County, Mississippi.

Q Who married you? A Mr Irvin Roberts.

Q Who was he? A A preacher.

Q Have you your marriage license and certificate with you at this time? A No sir.

It will be necessary for you to furnish proper evidence of your marriage to your wife for use in the consideration of the application you make for these children. It should be furnished within thirty days from this date.

Q This application is for yourself, your wife and eight minor children? A Yes sir.

Q Is your name or your wife's name or the name of any one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.

Q Has any application ever been made before today for yourself, your wife or any one of these children to be admitted or enrolled as members of the Choctaw Tribe of Indians? A No sir.

Q This is the first application of any kind that has ever been made for any of you for the purpose of establishing your rights as Choctaws? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife and eight minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and

a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes sir.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions of ever receive any benefits under that article? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made-71 years ago? A No sir, not as I know of.

Q Did any of them live here at that time? A Well, I suppose they was all here.

Q Where? A In Jackson County, Mississippi.

Q Did any of your ancestors or any of your wife's ancestors remove from Mississippi out to the new nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.

Q Did any of your ancestors or any of your wife's ancestors within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No sir-I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Or under any other article of that treaty or the supplement? A No sir.

Q Did any of them ever get any money from the Government? A No sir.

Q So far as you know, then, none of your ancestors and none of your wife's ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land under that article. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This

caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they ~~had~~ were entitled to land under article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in the place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of the existence of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir, I don't.

Q Have you any written evidence to offer at this time? A No sir.

Q Have you any witnesses here today? A Well, none but Mr. Ware.

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time? A No sir.

Pierre Bobinger et al--6

Q Do you speak or understand the Choctaw language? A No sir.
Q Have you any brothers living? A Yes sir.
Q How many? A Four.
Q What are their names? A Sam, Frederick, Alex and Mike.
Q Where do they live? A One of them lives in Jackson County.
Q Where do the others live? A Two of them live at Long Beach in Harrison County.
Q The other one? A He lives here at Mo Henry, where I live.
Q Have any of them been before the Commission? A No sir.
Q Have you any sisters living? A Got three.
Q What are their names? A Elizabeth.
Q Is she married? A Yes sir.
Q What's her husband's name? A John Gill.
Q What's another sister's name? A Catherine.
Q Is she married? A yes sir.
Q What's her husband's name? A Joseph Raly.
Q Next one? A Her name is Halmena.
Q Is she married? A yes sir.
Q What's her husband's name? A Abisear Carroll.
Q Have any of them ever been before the Commission? A No sir.
Q Has your wife any brothers or sisters living? A yes sir.
Q How many? A She's got seven besides herself.
Q Is she a full sister of Frank Bang who just appeared before the Commission? A yes sir.

This applicant has a very dark complexion-dark eyes-
straight black hair-although his features do not indicate
that he is possessed of Indian blood. He does not speak
or understand the Choctaw language.

James Ware, being first duly sworn, testified as follows:-

Examination by the Commission:

Q What's your name? A James Ware.
Q How old are you? A Seventy-five years old.
Q What's your postoffice address? A Van Cleave.
Q What is your occupation? A I farm and raise stock.
Q How long have you lived in Jackson County, Mississippi? A I have
lived there all my life except six years that I lived in Hinds Coun-
ty.
Q Are you acquainted with this applicant Pierre Bobinger? A yes sir
Q How long have you known him? A I have known him ever since his
birth.
Q Has he lived down in that County all his life? A Yes sir, until
about three years ago when he moved to MoHenry, in Harrison County.
Q What was his father's name? A John Bobinger.
Q What was he? A He was a Butchman.
Q He had no Choctaw blood? A Not that I know of.
Q What was Pierre's mother's name? A Teniese.
Q Did she have any Choctaw blood? A Yes sir.

Pierre Bobinger et al--7

How much Choctaw blood did Teniese Bobinger have? A Her father was a half breed.

Q She was a quarter, then? A Yes sir, she was about a quarter.

Q That would make this applicant an eighth Choctaw? A I suppose so-about that.

Q His mother was a quarter and his father had no Choctaw blood? A He didn't own none that I know of.

Q Did Teniese live there in Jackson County all her life? A Yes sir.

Q Was she older or younger than you? A She was younger than me.

Q How much younger? A I reckon she was twenty years younger.

Q Did she speak or understand the Choctaw language? A No sir.

Q Were you acquainted with her parents-her father and mother?

A I seed her father. I wasn't very large when he got drowned.

Q What was his name? A Alex C. Ladnier.

Q Did he have any Choctaw blood? A Yes sir.

Q How much? A Well, one-half.

Q Did he speak or understand the Choctaw language? A Yes sir, he did.

Q Where did he live during his life time? A He lived down there on the coast.

Q Was he born there? A Yes sir, born and raised there.

Q Teniese's mother had no Choctaw blood? A No sir.

Q What was she? A She was a colored woman-she was a servant-her father's name was Baly and he had her by one of his servants and he had her christened by the priest and made free. Alex married her.

Q Do you know whether any of the ancestors of this applicant, Pierre Bobinger, ever complied or attempted to comply with the provisions or article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know anything about it.

(Witness excused)

This witness is a white man of average intelligence.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the five civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 11th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 4th day of March, 1902,
at Philadelphia, Mississippi.

L. B. Massey
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Pierre Bobinger in the matter of his
application for the identification of himself and his minor children
as Mississippi Choctaws, M.C.R. 4729.

J. H. Holcomb
Atty at Law

COPY.

Muskogee, Indian Territory, April 17, 1903.

Pierre Bobinger,

McHenry, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Frederick Bobinger, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-----------------------------|-------------|
| Frederick Bobinger, et al., | M.C.R. 5479 |
| Pierre Bobinger, et al., | M.C.R. 4729 |
| Willie H. Carrell, et al., | M.C.R. 5360 |

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this commission that the evidence herein is insufficient to determine the identity of Frederick Bobinger, Margaret Bobinger, Arthur Bobinger, Joseph Bobinger, Josephine Bobinger, Odie Bobinger, Mitchell Bobinger, Elizabeth Bobinger, Margaret Bobinger (2), Edna Ann Bobinger, Pierre Bobinger, Mary Bobinger, Linnie Bobinger, Martha T. Bobinger, Levi Bobinger, Ella Bobinger, Sarah

Pierre Bobinger, -2

Bobinger, Leonard Bobinger, Soulie H. Bobinger, Ferdinand C. Bobinger, Willie H. Carroll, John E. Carroll, Grover C. Carroll, Joseph W. Carroll, Arthur H. Carroll, Effie J. Carroll, Abner Carroll, Catherine O. Carroll, Samuel F. Carroll and Hamilton B. Carroll, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamie Bixby.

Chairman.

Registered.

M.C.R. 4729.

COPY.

Muskogee, Indian Territory, July 28, 1903.

Pierre Bobinger,
McHenry, Mississippi.

Dear Sir:-

You are hereby notified that on the 7th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frederick Bobinger et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

#1755

No. 4729

For Identification as a Mississippi Choctaw.

Murdan Miss

Date

FEB 11 1902

Name Pierre Robinger

Age 43 Blood $\frac{1}{2}$

Post Office, McKenry, Miss

Father: John Robinger d

Mother: Lenise " d

Claims through mother

Wife Mary Robinger ($\frac{1}{4}$) 33Father Pierre Bag ($\frac{1}{2}$) L

Mother Martha " L

Wife claims through father.

Children:

| | | |
|-------------|----------|----|
| Linne | Robinger | 18 |
| Martha J. | " | 16 |
| Levi | " | 13 |
| Ella | " | 11 |
| Sarah | " | 9 |
| Leonard | " | 8 |
| Soulie E | " | 6 |
| Ferdinand C | " | 2 |

Stenographer

J. S. Niles

Choctaw MCR 4730

William Ealy .

See MCR 4722

MCR 4730

4730

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February, 11th, 1902.

In the matter of the application of William Ealy for the identification of himself and two minor children, Rose A., and Earnest W., as Mississippi Choctaws.

APPEARANCES; Joel R. Holcomb, Attorney for applicants.

Said William Ealy, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A William Ealy.
Q How old are you? A I don't know exactly my age.
Q About how old are you? A About thirty-one or two, I reckon.
Q How much Choctaw blood have you? A I am about half.
Q What is your postoffice address? A Van Cleave.
Q Jackson County, Mississippi? A Yes sir.
Q How long have you lived in Jackson County? A All my life.
Q Is your father living? A Yes sir.
Q What's his name? A Anton Ealy.
Q Is your mother living? A Yes sir.
Q What's her name? A Madeline.
Q Has your father any Choctaw blood? A Yes sir.
Q How much? A About half.
Q Has your mother? A Yes sir.
Q How much? A About half.
Q Is the Anton Ealy who appeared before the Commission here this morning your father? A Yes sir.
Q What is your wife's name? A Eliza.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for your wife? A No sir.
Q How many children have you living? A Two.
Q What are their names and ages? A Rose A.
Q How old? A Four years old.
Q Next one, A Earnest W.
Q How old? A Two years old.
Q Is that all? A Yes sir.
Q Are these children living with you at this time? A Yes sir.
Q Are they the children of yourself and Eliza? A Yes sir.
Q Have you been married more than once? A No sir.
Q Has she? A No sir.
Q Were you married to her under a license? A Yes sir.
Q When? A I don't know exactly how long - about eight years I reckon.
Q Where were you married to her? A Married in Jackson County.
Q Have you your marriage license and certificate with you at this time? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Eliza for use in connection with the application you make for your two minor children. This evidence should be furnished within thirty days from this date.

- Q This application, then, is for yourself and two minor children, is that right? A Yes sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Has any application ever been made before today for yourself or either of these children for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.
- Q This is the first application of any kind? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article? A Not as I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A No sir.
- Q Did any of them live here at that time? A Yes sir, I reckon they did.
- Q Where? A Down near Van Cleave.
- Q In Jackson County? A Yes sir.
- Q Who of your ancestors lived here at that time--71 years ago? A Yes sir, I reckon my father and grandparents lived in Jackson County at that time.
- Q Did any of your ancestors--your Choctaw ancestors--move from Mississippi out to the new country when the greater portion of the Choctaw Tribe of Indians moved out there? A No sir.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not as I know of.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir.
- Q Or under any other provision of that treaty? A No sir.
- Q Did any of them ever get any money from the Government? A No sir.
- Q None of your ancestors, then, so far as you know, ever received any benefits as Choctaw Indians? A No sir, not as I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent of the Government here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and

William Ealy et al--3

Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they were entitled to land under article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir, not as I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence of any kind to offer at this time? A No sir.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time? A No sir.

Q Are you a full brother of Joseph Ealy who has just been before the Commission? A Yes sir.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has dark skin, dark eyes and straight, black

William Baly et al--4

hair-his cheek bones are rather prominent-his general appearance, however, would not indicate that he was possessed of as much Indian blood as is claimed by him. He does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 11th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 1st day of March, 1902,
at Philadelphia, Mississippi.


Clerk U.S. Circuit Court, Southern
District of Mississippi.

By 

Deputy.

Miss. Choc. 4725,
4726, 4727, 4730.

Muskogee, Indian Territory, March 15, 1902,

Joel E. Holcomb,

Purvis, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the eleventh instant, inclosing the following papers for filing in support of applications for identification as Mississippi Choctaws:

Certified copy of marriage license and certificate of Franklin Bang and Cornelia Gurlio to be filed in the application of Frank Bang, et al.

Certified copy of marriage license and certificate of William Ely and Eliza Dobaen, in support of the application of William Ely, et al.

Certified copy of marriage license and certificate between Joseph Ely and Catherine O. Bohinger, offered in support of the application of Joseph Ely, et al.

There is returned to you herewith certified copy of the marriage license and certificate between Edward J. Bang and Miss T. Beltren, which is offered in evidence presumably in the case of Edward Bang, but in the application of Edward Bang et al. for identi

J.E.H. 2

fiction as a Mississippi Chapter it appears that the wife of Edward Tang is Esperance Tang, and before the inclosed marriage license and certificate can be accepted in this case it will be necessary to show the reason for this difference in names.

Yours truly,

Commissioner in Charge.

12-1-18

Muskogee, Indian Territory, September 6, 1902.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of William Ealy in the matter of his
application for the identification of himself and his minor
children as Mississippi Choctaws, M.C.R. 4730.

*J. M. Holcomb
att'y at Law*

COPY

Muskegee, Indian Territory, April 17, 1903.

William Ealy,

Vandoleave, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anton Ealy, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|-------------|
| Anton Ealy, et al., | M.C.R. 4722 |
| Mary Carroll, et al., | M.C.R. 4723 |
| Mary R. Belton, et al., | M.C.R. 4731 |
| Nancy Dobson, et al., | M.C.R. 8357 |
| Joseph Ealy, et al., | M.C.R. 4725 |
| William Ealy, et al., | M.C.R. 4730 |
| Elwena Ealy, et al., | M.C.R. 8481 |
| Elisa Goff, et al., | M.C.R. 4724 |

These applications were made under the provision of the act of Congress of June 23, 1893 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anton Ealy, Madeline Ealy, Mary Carroll, Abisear A. Carroll,

William Ealy,-2

Toney Carroll, George Carroll, Earnest Carroll, Lydia M. Carroll, Mary R. Belton, James A. Belton, Alice C. Belton, Nancy Dobson, Mary Jane Dobson, William Dobson, Sabra A. Dobson, Joseph Ealy, Olivia Ealy, Toney Ealy, Joseph Ealy, Jr., John R. Ealy, Mary Ealy, Ruford Ealy, Bishop M. Ealy, Malinda M. Ealy, William Ealy, Rose A. Ealy, Earnest W. Ealy, Eldwena Ealy, Masaline Ealy, Beasie Ealy, Ella Ealy, Laura Ealy, Lisa Goff, Johnnie Goff, Frank Goff, Devie Goff and Mollie Goff, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S) 140

James D. Dwyer

Chairman.

Registered.

M.O.R. 4730.

COPY

Washoe, Indian Territory, August 19, 1903.

Vandervo, Mississippi.

Dear Sir:

You are hereby notified that on the 4th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anton Baly, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

T. B. Woodlee.
Commissioner in Charge.

4736

No. 4730

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date FEB 11 1902

Name *William Ealy*

Age *31*

Blood $\frac{1}{2}$

Post Office, *Vanceville, Miss*

Father: *Anton Ealy* $\frac{1}{2}$ L

Mother: *Madeline* " $\frac{1}{2}$ L

Claims through both parents.

wife *Eliza Ealy* L
 (no claim for wife)

Claims for 2 children

Children:

Rose A Ealy 4

Earnest W. " 2

J. S. Viles

Choctaw MCR 4731

Mary R. Belton

See MCR 4722

MCR 4731

14131
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 11th, 1902.

In the matter of the application of Mary R. Belton for the identification of herself and two minor children, James A., and Alice C., as Mississippi Choctaws.

APPEARANCES: Joel R. Holcomb, Attorney for applicants.

Said Mary R. Belton, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Mary R. Belton.
Q How old are you? A I don't know, sir-I am about twenty-eight years old.
Q How much Choctaw blood have you? A About a quarter-cause ma claims to be half.
Q What is your postoffice address? A Perkinston.
Q What County? A Harrison County, Mississippi.
Q How long have you lived in Harrison County? A It will be three years this coming May.
Q Where did you live before that? A Down in Jackson County.
Q How long did you live there? A All my life-I was born and raised there.
Q Is your father living? A Yes sir.
Q What's his name? A James Carroll.
Q Is your mother living? A Yes sir.
Q What's her name? A Mary Carroll.
Q Through which one of your parents do you get your Choctaw blood? A My mother.
Q She's a half blood, is she? A Yes sir.
Q Is she the Mary Carroll who appeared before the Commission here this morning and made application for identification as a Mississippi Choctaw? A Yes sir.
Q What's her father's name? A Anton Ealy.
Q He also appeared here this morning? A Yes sir.
Q What's the name of your husband? A Alex Belton.
Q Is he living? A Yes sir.
Q Has he any Choctaw blood? A No sir, I don't reckon.
Q You make no claim for him? A No sir.
Q How many children have you living? A I've got two living.
Q What are their names and ages? A James A. is four. Alice C. is one.
Q Are these children living with you at this time? A Yes sir.
Q Are they both the children of yourself and Alex Belton? A Yes sir.
Q This application, then, is for yourself and two minor children, is that right? A Yes sir.
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir, not as I know of.
Q Has any application ever been made before today for yourself or either of these children for the purpose of establishing your rights as Choctaw Indians? A No sir, not as I know of.
Q This is the first application that has ever been made? A Yes sir.
Q Do you appear before the Commission at this time for the purpose

Mary R. Belton et al--2

of claiming rights in the Choctaw lands in Indian Territory for yourself and two children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article? A Yes sir, I reckon so; I have heard it called over two or three times today.

Q Do you think you understand it all right? A I don't know, sir, whether I do or not.

I will repeat it to you again. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek-do you think you understand it? A Yes sir, I guess so.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits under that article? A No sir, not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir, not as I know of.

Q Did any of them live in the old Choctaw Nation at that time? A Not as I know of.

Q Did any of them remove from the State of Mississippi out west to the new Choctaw Nation at the time of the removal of the greater portion of the Choctaw Tribe of Indians? A Not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A No sir, not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

Q Or under any other provision of that treaty? A No sir.

Q Did any of them ever get any money from the Government? A No sir, not that I know of.

Q You heard me explain to your mother and to your grandfather about these Commissions that were appointed under acts of Congress between 1837 and 1842, did you not? A Yes sir.

Mary R. Belton et al---3

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

Q Did any of them ever get any scrip from the Government of the United States under the act of Congress approved August 23, 1842?

A No sir, not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir, I do not.

Q Have you any written evidence to offer at this time? A No sir.

Q Have you any witnesses here today? A No sir, I don't suppose I have, any more than my mother and grandfather.

Their testimony will be considered in your case.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskegee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?

A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a white woman-- shows no indications of being possessed of Indian blood-- she has dark eyes, straight, black hair and her complexion is inclined to be dark--her features are those of a white person--she does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 11th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 3rd day of March, 1902, at Philadelphia, Mississippi.

L. D. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY

M.C.R. 4731

Muskogee, Indian Territory, April 17, 1903.

Mary R. Belton,

Perkinston, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anton Ealy, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|-------------|
| Anton Ealy, et al., | M.C.R. 4722 |
| Mary Carroll, et al., | M.C.R. 4723 |
| Mary R. Belton, et al., | M.C.R. 4731 |
| Nanoy Dobson, et al., | M.C.R. 5387 |
| Joseph Ealy, et al., | M.C.R. 4725 |
| William Ealy, et al., | M.C.R. 4730 |
| Eldwena Ealy, et al., | M.C.R. 5481 |
| Eliza Goff, et al., | M.C.R. 4724 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anton Ealy, Madeline Ealy, Mary Carroll, Abizear A. Carroll,

Mary R. Belton,-2

Toney Carroll, George Carroll, Earnest Carroll, Lydia M. Carroll, Mary R. Belton, James A. Belton, Alice C. Belton, Nancy Dobson, Mary Jane Dobson, William Dobson, Sabra A. Dobson, Joseph Ealy, Olevia Ealy, Toney Ealy, Joseph Ealy, Jr., John R. Ealy, Mary Ealy, Ruford Ealy, Bishop M. Ealy, Malinda W. Ealy, William Ealy, Rose A. Ealy, Earnest W. Ealy, Eldwena Ealy, Hazaline Ealy, Bessie Ealy, Ella Ealy, Laura Ealy, Lisa Goff, Johnnie Goff, Frank Goff, Dovie Goff and Mollie Goff, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James D. Dacy
Chairman.

Registered.

M.O.R. 4731.

COPY.

Muskogee, Indian Territory, August 19, 1903.

Mary R. Belton,

Perkinston, Mississippi.

Dear Madam:

You are hereby notified that on the 4th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anton Baly, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

T. B. Needles

Commissioner in Charge.

1757

No. 4531

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date FEB. 11 1902

Name Mary R. Belton

Age 28 Blood 1/4

Post Office, Perkinston, Miss

Father: James Carroll L

Mother: Mary " L

Claims through mother
husband

Alex. Belton L

No claim for him.

Claims for children

Children:

James A. Belton 4

Alice C. " 1

Stenographer

J. S. Niles.

Choctaw MCR 4732

Minerva Allen

See MCR 3451, 3453, 6322

MCR 4732

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Minerva Allen, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of--

| | |
|--------------------------|------------|
| Minerva Allen, | M.C.R.4732 |
| Alice Schmidt, et al., | M.C.R.3451 |
| Elijah McGee, et al., | M.C.R.3453 |
| Mollie Thompson, et al., | M.C.R.6322 |

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the page occupied by
each in said record.

| | |
|---|------|
| | page |
| Original application of Minerva Allen before
the Dawes Commission for identification as a
Mississippi Choctaw,..... | 1 |
| Original application of Alice Schmidt, et al.,
before the Dawes Commission for identification as
Mississippi Choctaws,..... | 6 |
| Original application of Elijah McGee, et al.,
before the Dawes Commission for identification as
Mississippi Choctaws,..... | 12 |
| Certified copy of the marriage record of
Elijah McGee and Mollie Kessinger,..... | 17 |
| Original application of Mollie Thompson,
et al., before the Dawes Commission for identification
as Mississippi Choctaws,..... | 18 |
| Decision of the Commission refusing the con-
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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 15, 1902.

4732

In the matter of the application for identification as a Mississippi Choctaw of Minerva Allen.

Applicant represented by J. E. Arnold, Agent.

Minerva Allen first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Minerva Allen.
- Q What is your age? A I was born in Fifty-one.
- Q Would you be about fifty-one now? A Yes, sir; I am fifty-one to-day.
- Q What is your post office address? A Waupanucka.
- Q Indian Territory? A Yes, sir.
- Q How long have you lived at Waupanucka? A About five months.
- Q Where did you live before that? A In Texas.
- Q Where were you born? A In Louisiana.
- Q What place in Louisiana? A Rapides Parish.
- Q How long did you live in Louisiana? A I lived there until I was about thirteen years old.
- Q And then you went where? A Texas.
- Q And lived there until you went to the Territory? A Yes, sir.
- Q Is your father living? A No, sir.
- Q Is your mother living? A No, sir.
- Q What was your father's name? A John Perry McGee.
- Q What was your mother's name? A Elizabeth McGee.
- Q Through which parent do you claim Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A One-quarter.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of,--she was not.
- Q Have you a husband living now? A I don't know whether he is living or not.
- Q Have you any children that you want to make application for? A No, sir.
- Q Are you not living with your husband? A No, sir.
- Q Just separated? A Yes, sir.
- Q He left? A Yes; three years ago and I have not seen him since that is why I say I don't know whether he is living or not.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No, sir.
- Q Have you ever made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian

Territory? A No, sir.

- Q Do you now come before the Commission to be identified yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of eighteen hundred and thirty? A Yes, sir.
- Q Do you understand that article of that treaty? A No sir.

The treaty of eighteen hundred and thirty was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi, called Dancing Rabbit Creek, on the 27th of September, eighteen hundred and thirty. It was made for the especial purpose of the removal of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory. Some provision had to be made for them before the treaty would be signed and that provision was contained in an article numbered fourteen, called article fourteen of the treaty of 1830 and which was made for the especial protection and benefit for what are now called Mississippi Choctaws. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that article after having had it read and explained to you, so that you can claim under it? A Yes, sir.
- Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article? A I don't know whether they did, my grandfather died just about the time of the treaty.
- Q What was his name? A Dove.
- Q Is he the ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Yes, sir.
- Q What was his full name? A I don't know what his full name was. I don't remember that I heard any of the family say what his name was.
- Q How much Choctaw blood did he have? A I think he was about a full breed.
- Q What proof have you that he was a full blood Choctaw Indian? A Nothing only through my grandmother, and mother and all the kin say so.
- Q Is it a matter of family history? A Yes, sir.
- Q When did he die? A In 1830 or thirty one.
- Q Did he have a family there at that time? A Yes; he had a wife and eight children.
- Q Did he have an Indian name? A Dove is an Indian name is it not.
- Q I don't know; it sounds and reads like an English name; did he

- Q have any other name than Dove? A That is all I ever heard.
- Q Was he your mother's father? A Yes, sir.
- Q Did your mother live in Mississippi? A Yes, sir.
- Q Was he born in Mississippi? A Yes, sir.
- Q How old would your mother be if living now? A She was born in 1815.
- Q In Mississippi? A Yes, sir.
- Q She was not married in 1830? A No, sir; she was married in 1833.
- Q Did your grandfather Dove or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Well I think he did but then it was taken away from him.
- Q What information or knowledge have you that he owned land in Mississippi which was taken away from him? A I heard my mother and grandmother and aunt say so.
- Q By whom was this land taken away from him? A I don't know that.
- Q Do you know where the land was located? A No, sir.
- Q In Mississippi was it? A Yes, it was in Mississippi, either in Wilkinson or Choctaw County, I suppose, because I heard mother say that she lived there.
- Q These Counties are in Mississippi? A Yes, sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they intended to stay in Mississippi, take land there and become citizens of the United States? A No, sir.
- Q Did you ever hear that any of them left that old Choctaw Nation and went to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838? A No, sir; he never went there; I don't know anything about the rest of his family except him.
- Q Did your grandfather Dove ever own any lands or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know whether he did own any lands he claimed some but it was taken away from him between 1830 and 1833, it was taken away from him.
- Q Do you know whether he claimed it under article fourteen? A No, sir.
- Q Do you know whether he ever claimed or received any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No, sir; I only know that she said they took the place away from her when he died.
- Q Did he claim any land or any benefits under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A Not that I know of.

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent, whose name was Colonel Ward, and who had an agency in Mississippi at that time and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this whose names Colonel Ward failed to put upon his list, known as Ward's register. A great many Indians made application to him under that article of that treaty and within six months from its ratification whose names should have appeared upon his list but were not placed there. His neglect to make a full and complete list of these claimants caused a good many Indians who had land in Mississippi upon which they had improvements to lose them both; both were taken

from them by the government and sold at its public land sales. So many complaints were made on account of this that Congress appointed a Commission by act approved March 3, 1837 and this Commission went to the state of Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed under act of Congress approved August 23, 1842 for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did you ever hear that any of your Choctaw ancestors, or that this one in particular, your grandfather Dove, went before either of these two Commissions and claimed benefits as Choctaw Indians?
 A I never heard any of them say that he did or did not.
- Q He would probably have been dead before the year 1837? A Yes he died between 1830 and 1833.
- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States which entitled them to select land in Mississippi, Alabama, Louisiana, or Arkansas, to take the place of land which the government had taken from them and sold?
 A I don't think that they did.
- Q Have you had any relatives who have appeared here and made application to be identified as Mississippi Choctaws? A Nobody but my sister and brother.
- Q What is your brother's name? A Elijah McGee.
- Q And your sister's name? A Alice Schmidt.
- Q Is Elijah McGee your brother? A Yes, sir.
- Q Alice Schmidt is your sister? A Yes, sir.
- Q Have they made application for identification as Mississippi Choctaws before the Commission? A Yes, sir.
- Q Claim through the same common ancestor Dove? A Yes, sir.
- Q Do you want to have their records considered with yours when yours is examined by the Commission? A Yes, sir.

Reference is hereby made to the case of Elijah McGee, M.C.R. 3453, and also to the application of Alice Schmidt, 3451.

- Q Have you any evidence or other proof that you want to submit now to the Commission in support of this claim? A

By Mr. Arnold.

No, sir.

- Q You care for time in which to file other evidence?

By Mr. Arnold.

Yes, sir.

A reasonable time is allowed this applicant in which to file other evidence in support of this application provided such evidence or testimony is presented under the rules of the Commission.

- Q Do you speak or understand the Choctaw language? A No, sir

This applicant has the appearance and physical characteristics of being descended from white parentage. She does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830

#5

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 31st day of March 1902.

Clara Mitchell Wood

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of Minerva Allen, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of

| | |
|--------------------------|------------|
| Minerva Allen, | M C R 4732 |
| Alice Schmidt, et al., | M C R 3451 |
| Elijah McGee, et al., | M C R 3453 |
| Mollie Thompson, et al., | M C R 6322 |

-----: D E C I S I O N :-----

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Minerva Allen for herself; by Alice Schmidt for herself and her
two minor children, Bessie Dumfrey and Willie Schmidt; by Elijah
McGee for himself and his three minor children, May, Eva and Lee
McGee, and by Mollie Thompson for herself and her five minor child-
ren, Ada A., Jesse S., Alonzo C., Abel P. and Ophelia M. Thompson
under the following provision of the act of Congress approved June
28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the

Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all the applicants except those embraced in M.C.R. 6322 claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Elizabeth McGee, who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty, and that the applicants in M.C.R. 6322 claim said rights by reason of being descendants of Thomas S. Dove, who is alleged to have been a Choctaw Indian, degree of blood not stated.

It also appears from the testimony that there are more remote Choctaw ancestors than the ones above mentioned, but as their full names are not given, it is impossible for the Commission to determine whether or not they were beneficiaries under the fourteenth article of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Elizabeth McGee, or Thomas S. Dove, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Minerva Allen, Alice Schmidt, Bessie Dumfrey, Willie Schmidt, Elijah McGee, May McGee, Eva McGee, Lee McGee, Mollie Thompson, Ada A. Thompson, Jesse S. Thompson, Alonzo C. Thompson, Abel P. Thompson and Ophelia M. Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamr Pinby.
Acting Chairman.

(SIGNED)

I. B. Needles.
Commissioner.

(SIGNED)

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
APR 14 1903

Muskogee, Indian Territory, March 11, 1903.

Minerva Allen,

Post Office Box #67,

Wapanucka, Indian territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you ask if yourself, your sister Alice Schmidt, and your brother Elijah McGee can file on lands.

In reply to your letter you are informed that it appears from the records of the Commission that you are an applicant for identification as a Mississippi Choctaw; that your brother Elijah McGee and your sister Alice Schmidt are applicants for the identification of themselves and their minor children as Mississippi Choctaws.

The Commission has not up to the present time reached any opinion or decision in these cases but is now considering the several applications and it is probable decisions will be rendered in the near future. Upon the rendition thereof the applicants will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Relative to your right to file on lands in the Choctaw-Chickasaw country, your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was

M A 2

ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that the benefits of this legislation will in any manner accrue to applicants until duly identified as Mississippi Choctaws entitled to allotment, and that yourself, your sister Alice Schmidt and your brother Elijah McGee are not at this time entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, April 14, 1903.

Minerva Allen,

Wapanucka, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Minerva Allen, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------|------------|
| Minerva Allen, | M C R 4732 |
| Alice Schmidt, et al., | M C R 3451 |
| Elijah McGee, et al., | M C R 3453 |
| Mollie Thompson, et al., | M C R 6322 |

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Minerva Allen, Alice Schmidt, Bessie Dumfrey, Willie Schmidt, Elijah McGee, May McGee, Eva McGee, Lee McGee, Mollie Thompson, Ada A. Thompson, Jesse S. Thompson, Alenao C. Thompson, Abel P. Thompson and Ophelia M. Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of

M A 2

eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamr Bixby.

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 14, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 14th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Minerva Allen, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------|------------|
| Minerva Allen, | M C R 4732 |
| Alice Schmidt, et al., | R 3451 |
| Elijah McGee, et al., | M C R 3453 |
| Mollie Thompson, et al., | M C R 6322 |

These applications were made under the provision of the act Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Minerva Allen, Alice Schmidt, Beanie Dumfrey, Willie Schmidt, Elijah McGee, May McGee, Eva McGee, Lee McGee, Mollie Thompson, Ada A. Thompson, Jesse S. Thompson, Alonzo C. Thompson, Abel P. Thompson and Ophelia M. Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file

M. M. & C. 2

arguments in this office, and that at the expiration of said time the papers in the case together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tamie Dixby
Chairman.

Muskogee, Indian Territory, April 26, 1903.

Mrs. M. A. Allen,

Wapanucka, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you give the name of your grandfather and the date of his death, and state "If we need any other evidence please let us know."

In reply you are informed that it appears from our records that you made application to this Commission for identification as a Mississippi Choctaw. On April 14, 1903, the Commission rendered its decision refusing your application, and on the same date you were duly notified of the action of the Commission and that you would be allowed fifteen days from the date of said decision within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days from April 14, 1903, heretofore granted in this case, will expire on April 29, 1903. On April 30, 1903, the record in your case, together with such arguments as may be offered in support thereof, will be forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

M A A 2

The Commission cannot render you an opinion upon the sufficiency of evidence offered in support of your claim. However, you are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, or who subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 30, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Minerva Allen, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 14, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

| | |
|--------------------------|--------------|
| Minerva Allen, | M.C.R. 4732; |
| Alice Schmidt, et al., | M.C.R. 3451; |
| Elijah McGee, et al., | M.C.R. 3453; |
| Kollie Thompson, et al., | M.C.R. 6322. |

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

2 Enc.: M.C.R. 4732.

(SIGNED).

Chairman.

(COPY)

Land
28519-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

WASHINGTON, June 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes in the matter of the application of Minerva Allen for herself; Alice Schmidt for herself and her two minor children, Bessie Dumfrey and Willie Schmidt; Elijah McGee for himself and his three minor children, May, Eva and Lee McGee, and by Mollie Thompson for herself and her five minor children, Ada A., Jesse S., Alonzo C., Abel T. and Ophelia M. Thompson as Mississippi Choctaws wherein the Commission rejected the applicants on April 14, 1903.

The record in this case shows that the applicants predicate their claims to identification as Mississippi Choctaws on their descent from one Dove through his daughter Elizabeth McGee it being alleged that Dove was the head of a Choctaw family in Mississippi in 1830, and that his daughter Elizabeth was married to McGee in 1833. As to whether the ancestor Dove who had lands as his home in the Choctaw Nation in Mississippi in 1830 and complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of that year the witnesses are unable

to state relying solely for their right to identification on their descent from Dove through his daughter Elizabeth McGee.

The Commission rejected the applicants for the reason that its records failed to show that Elizabeth McGee either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An investigation of the records of this office have been made with reference to _____ Dove and Elizabeth McGee, and it is ascertained that the name of neither of these parties appeared among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty. The only McGee who did comply for land under the 14th article of the Choctaw treaty was Samuel McGee, whose children in 1830 were Anna, Lavina and Humphreys, his wife being named Polly, she being a daughter of John Jones. Part of the testimony with reference to this applicant will be found in the bound volume of testimony in the case of Choctaw Nation versus United States, volume 2, page 1055. It is evident to me that the decision of the Commission rejecting these applicants was correct, and I recommend that it be approved.

Very Respectfully,

(Signed)

A. C. TOWNEER,

Acting Commissioner.

BBH-R.

(COPY)

D.C.No.17617-1903.

W C F

DEPARTMENT OF THE INTERIOR.

BAF.

Washington.

ITD.4974-1903.

June 18, 1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

On April 30, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Alice Schmidt and her minor children Bessie Dumfrey and Willie Schmidt; of Minerva Allen; of Elijah McGee and his minor children, May, Eva and Lee McGee; and of Mollie Thompson and her minor children, Ada A., Jesse S., Alonzo G., Abel P. and Ophelia M. Thompson. You refused the applications April 14, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of one Dove, grandfather of the principal applicant. All of them, except the applicants in M. C. R. 6322 claim through Elizabeth McGee, daughter of said Dove, and the applicants in M. C. R. 6322 claim through Thomas S. Dove, son of the said ancestor Dove, it being alleged that said Dove was a Choctaw Indian and a resident of the Choctaw Nation in 1830.

The evidence fails to show that any of the said ancestors complied or attempted to comply with the

provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto. The records of the Indian Office fail to show that any one by the name of Dove or Elizabeth McGee complied or attempted to comply with the provisions of said article or acts. There was a Samuel McGee who applied for land under article 14 of the treaty of 1830, and whose children at that time were Anna, Lavina and Humphreys; his wife was named Polly, and was a daughter of John Jones.

Comparing the information furnished by the Indian Office with that furnished by the record in this case, the Department is of the opinion that Samuel McGee could not have been identical with any of the ancestors through whom the applicants claim.

Reporting June 8, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(Signed)

E. A. Hitchcock,

Secretary.

1 inclosure.

Copy

Muskogee, Indian Territory. July 15, 1903.

Minerva Allen,

Wapahucka, Indian Territory.

Dear Madam:

You are hereby notified that on the 18th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Minerva Allen et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully

(SIGNED)

T. B. Needles.
Commissioner in Charge.

COPY

Muskogee, Indian Territory, July 15, 1903.

Mansfield McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 15th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Minerva Allen et al., of which decision you were advised by registered mail on the 14th day of April 1903.

Respectfully,

(SIGNED)

T. B. Neale
Commissioner in Charge.

Muskogee, Indian Territory, September 22, 1903.

Stobaugh, Shearer & Mills,

Vapanuoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you ask to be advised the status of the Mississippi Choctaw applications of Minerva Allen, Alice Schmidt, et al., Elijah McGee, et al. and Mollie Thompson, et al.

In reply you are informed that it appears from our records that on ~~September 22~~, 1903, the Secretary of the Interior approved the decision of the Commission refusing the applicants in the consolidated Mississippi Choctaw case of Minerva Allen, et al., of which the application of each of the above named persons was a part.

The Commission now considers this case closed and cannot receive or consider any further evidence in support thereof.

Respectfully,

Chairman.

M C R 4732
M C R 3453

Muskogee, Indian Territory, July 17, 1906.

Fred P. Branson,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 24, 1906, transmitting petition for reopening the consolidated Mississippi Choctaw case of Minerva Allen, et al. Said petition has this day been forwarded to the Secretary of the Interior.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Minerva Allen, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of April 14, 1903, was, on April 30, 1903, forwarded the Department.

June 18, 1903 (I T D 4974-1903), the Department affirmed the decision of said Commission of April 14, 1903, refusing to identify as Mississippi Choctaws the several persons in the above consolidated case.

June 25, 1906, this office received from Fred P. Branson, attorney at law, Muskogee, Indian Territory, the petition of Elige McGee, praying that the decision heretofore rendered in this case be rescinded and that the record be remanded for re-adjudication. The petition is herewith transmitted.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

McM 17/4

(C O P Y)

Land.
28519-1903
38069- "
62155-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 11, 1906.

The Honorable,

The secretary of the Interior.

Sir:--

Referring to Departmental letter of June 18, 1903, (I.T.D. 4974-1903), I have the honor to transmit herewith the petition of Elige McGee praying that the decision heretofore rendered in the consolidated Mississippi Choctaw case of Minerva Allen, et al., be rescinded, and that the record be remanded for re-adjudication. The record in the case is also inclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KEM
KEM

(C O P Y)

D.C.48-736-1906.

J.P.

LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 20552-1906.

November 2, 1906.

L R B

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 18, 1903, the Department affirmed the decision of the Commission to the Five Civilized Tribes, adverse to the applicants, in the Mississippi Choctaw case of Alice Schmidt et al.

The motion for rehearing in said case, in the form of affidavits, by Elijah McGee and Minerva Allen, received with your office letter of July 17, 1906, is denied, as it is merely alleges in a general way that evidence can be produced to show that one of the ancestors of the claimants was a full-blood Choctaw Indian, living in Mississippi, and that the alleged ancestor through whom they claim complied with the 14th article of the treaty of 1830; that their knowledge relative to such alleged compliance is a matter of family history, "testimony as to which can and will be submitted by the oldest members of the family and such other old Indians as applicants may be able to produce to establish their allegations."

A copy of Indian Office letter of October 11, 1906,
submitting your report is enclosed.

The papers in the case have been sent to the Indian
Office for its files.

Respectfully,

(signed) E. A. Hitchcock,

Secretary.

1 inc. and 4 to Ind. Of.

MOR 3463

Muskogee, Indian Territory, November 15, 1906.

Elijah McGee,

Corsicana, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 2, 1906, denied the petition filed in this office by Fred P. Branson, Attorney at Law, Muskogee, Indian Territory, under the Act of Congress approved April 26, 1906, (34 Stats., 137) to re-open and re-adjudicate the consolidated Mississippi Choctaw case of Minerva Allen, et al.

Respectfully,

James S. Smith

Commissioner.

MOR 4732

Muskogee, Indian Territory, November 15, 1906.

Fred P. Branson,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir :--

There is enclosed herewith copy of Departmental letter of November 2, 1906, denying the petition filed by you under the Act of Congress approved April 26, 1906, (34 Stats., 137) to re-open and re-adjudicate the consolidated Mississippi Choctaw case of Minerva Allen, et al.

Respectfully,

Commissioner.

JWH 15-9

MCR 4232

Muskogee, Indian Territory, November 15, 1906.

Mansfield McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen :--

There is enclosed herewith copy of Departmental letter of November 2, 1906, denying the petition filed by Fred P. Branson, Attorney at Law, Muskogee, Indian Territory, under the Act of Congress approved April 26, 1906, (34 Stats., 137) to re-open and re-adjudicate the consolidated Mississippi Choctaw case of Minerva Allen, et al.

Respectfully,

Commissioner.

JWH 15-10

MOR 4732

COPY

Muskogee, Indian Territory, November 15, 1906.

Minerva Allen,

Wapanucka, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 2, 1906, denied the petition filed in this office by Fred P. Branson, Attorney at Law, Muskogee, Indian Territory, under the Act of Congress approved April 26, 1906, (34 Stats., 137) to re-open and re-adjudicate the consolidated Mississippi Choctaw case of Minerva Allen et al.

Respectfully,

SIGNE *Cams Bixby.*
Commissioner.

Muskogee, Oklahoma, December 10, 1907.

In Re Claim of certain
persons to identifica-
tion as Mississippi
Choctaws.

Commissioner of Indian Affairs,
Washington, D. C.

Sir:

Receipt is acknowledged of Indian Office letter of November 22, 1907 (I. T. 90355-1907), enclosing for report thereon, a communication from P. S. Mossely of Bromide, Oklahoma, concerning the enrollment of Elige McGee, Mrs. Alice Smith and Mrs. Minerva Allen as Choctaws by blood.

I have the honor to report in the above matter that Elijah McGee, Alice Schmidt and Minerva Allen applied to the Commission to the Five Civilized Tribes for the identification of themselves and children as Mississippi Choctaws, claiming their rights under the 14th article of the Choctaw treaty of 1830, by reason of being the descendants of Elizabeth McGee, an alleged half-blood Choctaw Indian. These applications were consolidated under the name of Minerva Allen, et al.

The evidence introduced in support of the consolidated Mississippi Choctaw case of Minerva Allen, et al. failed to show that the applicants were the descendants of a Choctaw ancestor who complied with the provisions of article 14 of the treaty of 1830, and their applications were refused by a decision of the Commission

(2)

to the Five Civilized Tribes rendered April 14, 1903. This decision was affirmed by the Secretary of the Interior June 18, 1903 (I.T.D. 4974-1903).

November 2, 1906 (I.T.D. 20552-1906), the Secretary of the Interior denied a motion for rehearing relative to the rights of these applicants, since which time it does not appear that any action has been taken in their case.

The letter of P. S. Mossely is returned herewith.

Respectfully,

Acting Commissioner.

McM 10/1

REFLECTOR

Trinova. Alcom.
et al

Consolidated Care

Edwards
or

one friend

Elizabeth Dove 1/2

mar

John Perry McGee
dead

x Conflict in testimony
as to cause of death

Minerva McGee 51 1/4

mar

Allen

x Separated from husband

Rice McGee 44 1/4

mar

① George Dumphrey, w.
dead

② William Schmidt
white

Bessie Dumphrey 13

Willie Schmidt 3

Elijah McGee 42 1/4

wife

Mollie McGee, white

May McGee 16

Eva McGee 14

Lee McGee 12

REF ID: A. C. R. 4732

Minerva Allen et al

Consolidated Case

Dave
full blood

Thomas Dove 1/2
wife
Cynthia Dove

Mar 6 22 1/4

Mollie Dove 22 1/4
mar.
Along J. Thompson
ind + white

Mar 6 22 1/4

Ada A. Thompson 12
Jesse S. Thompson 11
Along C. Thompson 9
Abel P. Thompson 6
Ophelia M. Thompson 3

No. 4732

For Identification as a Mississippi Choctaw.

Date

FEB 15 1892

Name *Minerva Allen,*

Age *51* — Blood *1/4*

Post Office, *Wapanucka, I.T.*

Father: *John P. McGee, d.*

Mother: *Elizabeth .. d.*

Claims through *mother.*

~~XXXXXX~~

*Claims for self
alone.*

Stenographer *G. Rosenwinkel*

Choctaw MCR 4733

• Malinda Graves

See MCR 4863, 4861, 4862

MCR 4733

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Malinda Graves, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of -

| | |
|---------------------------|-------------|
| Malinda Graves, et al., | M.C.R. 4733 |
| James Steel, | " 4863 |
| Parthenia Rucker, et al., | " 4861 |
| Matilda Allison, | " 4862 |

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the record in the case of Malinda Graves, et al., M.C.R. 4733.

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| Original application of Malinda Graves, et al., to
the Dawes Commission for identification as Missis-
sippi Choctaws, - - - - - | 2 |
| Copy of letter of Malinda Graves addressed to the
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POOR ORIGINAL -
BEST AVAILABLE COPY

Department of the Interior,
Commissioner to the Five Civilized Tribes.
I hereby certify, upon oath, that this
transcript is a true, full and correct translation of
my stenographic notes.

W. H. Keen

Commissioner to the Five Civilized Tribes,

Caddo, I. T. Aug. 24, 1899.

In the application of Malinda Graves for enrollment as a
Choctaw, being sworn and examined by Com'r McKenna she states:

- Q What is your name? A Malinda Graves.
- Q How old are you? A About forty.
- Q Where do you live? A In the Chickasaw Nation.
- Q How long have you been living there? A I have been living
in the Territory seven years.
- Q Where did you come from? A I come from Texas.
- Q Was your mother a slave? A No sir.
- Q Was she a colored woman? A She was a Choctaw.
- Q Where did she live? A She come from Mississippi to Texas.
- Q Was your mother a Choctaw or a slave? A She was a Choctaw;
never did claim to be a slave.
- Q How old are you? A I reckon I am about forty.
- Q Were you a slave? A I was born in slave times.
- Q Who did you belong to? A I staid with a lady by the name
of Price.
- Q Didn't you belong to her? A She never claimed us as slaves.
- Q Where did you live then? A In Lamar County, Texas.
- Q You were born and raised in Texas? A Yes sir.
- Q You are not on the rolls? A No sir.
- Q Never have been? A No sir. My mother said she was en-
rolled once.
- Q Where? A In the Choctaw Nation, down about Red River
County somewhere, that is what she said.
- Q What was your father, a slave? A I reckon.
- Q He was a colored man? A I suppose so.

Com'r McKenna: Enrollment is refused.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 15, 1902.

4733

In the matter of the application for identification as Mississippi Choctaws of Malinda Graves for herself and her six minor children Sarah, Robert, John, Ines, Bertha and Martha Graves.

Applicants represented by attorney J. E. Arnold.

Malinda Graves being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Malinda Graves.
Q What is your age? A I guess I am about forty-two.
Q About forty-two do you think? A Yes, sir.
Q What is your post office address? A Wynnewood.
Q Indian Territory? A Yes, sir.
Q How long have you lived in Wynnewood? A I have been living there going on four years.
Q Where did you live before you lived at Wynnewood? A In the Pott Country.
Q Then you have lived in the Territory four years? A Going on four years.
Q Where did you live before you lived in Oklahoma? A In Texas.
Q Where were you born? A In Texas. Q Where in Texas? A Lamar Co.
Q Is your father living? A I don't know sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A I don't know sir; I don't know anything about my father.
Q Don't know the name? A No, sir.
Q Don't know any name that he was ever called? A Some people say that his name was Mose Montgomery.
Q You think that was his name? A That is what I have been told.
Q What was your mother's name? A My mother was named Matilda Danforth.
Q You claim your Choctaw blood through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A I reckon about one third, my mother was one-half.
Q You claim through your mother do you? A Yes, sir.
Q And you say she was one-half? A Yes, sir.
Q How much would you be if she was one-half? A One-third.
Q No; one-half of one-half would be one-fourth would it not? A Yes, sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know for certain; she says that she enrolled, t that was onetime about twenty years ago.
Q Was your father a negro? A I suppose so, I don't know.
Q Don't know much about him? A No, sir.
Q Was your mother a Negro woman? A No, sir; she always went a s a Choctaw woman; but she stayed with white people.

#2

- Q What was her other blood besides the Choctaw blood which you claim she had? A Her other blood was mixed.
- Q Did she have any Negro blood? A If she did she never said anything about it.
- Q Was she a slave before the War? A No, sir; she was stolen and lived with some white people.
- Q If she was stolen she was not free? A She said she was not a slave.
- Q Was Mose Montgomery a slave? A I suppose he was but I don't know.
- Q Are you the same Malinda Graves who made application for enrollment as a Choctaw by blood before the Commission at Caddo, Indian Territory, August 29, 1899? A Yes, sir.
- Q Do you want to have that application made by you at that time transferred to this and made a part of this record in order that you may now make an application for identification as a Mississippi Choctaw for yourself and children? A Yes, sir.

The application of Malinda Graves for enrollment as a Choctaw which she made for herself before the Commission at Caddo, Indian Territory, August 29, 1899, file number R-105 is here referred to and at the request of this applicant is transferred and made a part of the record in these proceedings.

- Q Are you married? A Yes, sir.
- Q Is your husband living? A Yes, sir.
- Q What is your husband's name? A William Graves.
- Q Is he a Negro? A Yes, sir.
- Q Were you a slave before the War? A I was with my mother, she did not claim to be a slave. All that knows her says she was not a slave.
- Q Do you know whether you were considered free at the time of the surrender? A No, sir; I was not large enough to know.
- Q Did you never hear anybody say? A No, sir.
- Q Do you make any claim for your husband as having Choctaw blood? A No, sir.
- Q Are you children all under twenty-one years of age? A Yes I believe all is but I have three that is over.
- Q How many have you that are under age and unmarried? A Six.
- Q Give me the names of the oldest of these children? A Sarah.
- Q Sarah Graves? A Yes, sir.
- Q How old is she? A Sixteen.
- Q The next one? A Robert.
- Q How old? A Thirteen.
- Q Next? A John.
- Q How old? A Ten.
- Q Next? A Ines.
- Q I-n-e-s? A No; I-n-e-s
- Q How old is Ines? A She is seven.
- Q Next? A Bertha.
- Q How do you spell that; B-e-r-t-h-a? A Yes, sir.
- Q How old is she? A Five.
- Q The next? A Martha.
- Q How old is Martha? A Two.
- Q That is all? A Yes, sir.
- Q Is William Graves the father of these children? A Yes, sir.
- Q You are the mother of them all? A Yes, sir.
- Q Was he ever married before his marriage to you? A No, sir.
- Q Were you ever married before you married him? A Yes, sir.
- Q Have you any children that you want to make application for by any other marriage? A No, sir; I have two but they are over age

- Q Have they ever been before the Commission, these two? A No, sir.
- Q What are their present names? A Jim Steele and Parthena Rucker
- Q Where do they live? A Close to me; I have another married by my present husband, Matilda Ellison.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your children to the Choctaw tribal authorities in Indian Territory? A No, sir; only before when I went before the Dawes.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q That would be over five years ago? A No, sir.
- Q The only application you ever made previous to this present application is the application which you made at Cadde, Indian Territory, August 29, 1899 is it? A Yes, sir.
- Q You then appeared before Commissioner McKennon? A Yes, sir.
- Q And that record you now want transferred to this? A Yes, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Or your children? A No, sir.
- Q Do you now come before the Commission for the purpose of being identified and for the identification of your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A No, sir.
- Q Do you know what a treaty is? A No, sir; I have heard them say but I don't remember anything about it.
- Q Did you ever hear of a contract being made between two or more people? A Yes, sir.
- Q You have made contracts yourself did you not? A Yes, sir.
- Q Some times contract are made in writing? A Yes, sir.
- Q Well a treaty is the same thing only it is made in writing and signed by its parties but the parties to a treaty are two or more Nations instead of individuals? A Yes, sir.
- Q It is called a treaty because it is made between Nations? A Yes, sir.

In 1830 such a treaty or agreement was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi and was signed on the 27th day of September 1830; but, before that treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian territory under that treaty with the other Indians, for the object of that treaty was to secure the removal of these Choctaw Indians from that old Choctaw Nation to the Choctaw Nation Indian territory. Some provision had to be made for the Indians who refused to go and article fourteen was drafted and put into the treaty. An article in a treaty is a part of it; one of its subdivisions. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be en-

titled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply with that article or attempt to?
A I don't know sir; whether they did or not.
- Q Do you know what is meant by ancestor? A No, sir.
- Q What do you think it means? A I think you mean the aunts.
- Q No, I mean father or mother, grandfather or grandmother, great grandfather or great grandmother any relation in a direct line back? A No, sir.
- Q You don't know whether they did comply with the article or not?
A No, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother.
- Q What was her name? A Charlotte Danforth.
- Q How much Choctaw blood did she have? A They say she was a full blood.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Did any of your Choctaw ancestor ever live in the state of Mississippi or the state of Alabama? A My mother said they did.
- Q Your mother said who lived there? A That her mother lived there.
- Q Who was her mother? A Charlotte Danforth.
- Q That is your mother's mother then? A Yes, sir.
- Q And your mother told you that Charlotte Danforth lived in the State of Mississippi? A Yes, sir.
- Q Did she tell you that she lived there in 1830? and had a family there at that time? A No, sir; she did not tell me when she lived there but she lived there and went to Virginia..
- Q Was Charlotte Danforth a slave? A No, sir.
- Q Did she speak the Choctaw language? A The old lady what had my mother she said she did.
- Q What old lady do you mean? A Old Lady Price, she said she spoke it.
- Q Who is old lady Price? A She had my mother.
- Q Who did Charlotte Danforth stay with? A She stayed with her husband I reckon.
- Q What was his name? A Randolph Danforth I think.
- Q Was he a Negro? A No, sir.
- Q What was he? A They said he was a Mexican.
- Q Negro and what; what was his mixed blood? A I don't know what was his mixed blood.
- Q How do you know he was not a slave? A Because when my mother's mother died she died in Topeka Kansas.
- Q How do you know that Charlotte Danforth was not a slave? A I don't know, only I heard my mother say so.
- Q How old would Charlotte Danforth be if living now? A I don't know.
- Q How old would your mother be if living now? A She would be nearly seventy.
- Q She was born where? A I don't know where my mother was born.

- Q Was Mose Montgomery and Matilda Danforth your mother married?
A Yes, sir.
- Q When were they married? A I don't know sir; some time before the War?
- Q But Mose Montgomery was a slave was he not? A No, sir.
- Q You don't know anything about him? A No, sir.
- Q How do you know that he was married then? A I heard white people say so that knowed him.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not as I knows of.
- Q Did any of your Choctaw ancestors go to the United States Indian Agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A If they did I don't know anything about it.
- Q Did you ever hear that any of them left that old Choctaw Nation in Mississippi and Alabama and went to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838? A No, sir; I never did hear that they did.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A If they did I don't know it.
- Q Did any of your Choctaw ancestors own any land or claim any or any benefits under any other treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A If they did I don't know it.

The Choctaw Indians who remained in the states of Mississippi and Alabama after the treaty of 1830 was ratified were required in order that they might take advantage of the provisions of article fourteen of the treaty of 1830 to go to the United States Indian Agent, within six months from the ratification of that treaty and tell him that they wanted to take advantage of the provisions of article fourteen that is stay there in Mississippi, take land and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. It is estimated that at least 6000 Choctaw Indians stayed back there in the old Choctaw Nation and out of that number a good many complied with the provisions of article fourteen in that respect and within six months from the ratification of the treaty but Colonel Ward neglected to put their names upon his list. Ward's list contains the names of only seventy-one heads of families out of the total number who applied. His neglect to make a proper list of all Choctaw Indian claimants who came before him under the provisions of article fourteen of the treaty of 1830 caused a good many Indians who had land in Mississippi upon which they had improvements to lose them both for both the land and the improvements were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837, as the result of these complaints, by an act approved March 3 of that year Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830. That second Commission was appointed by an act of Congress approved August 23, 1842.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of that treaty? A If they did I don't know it.

The act of Congress, approved August 23, 1842, provided that if any Choctaw Indian claimant proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also further appeared that he had had land in Mississippi which the government had taken from him and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A If they did I don't know it.
 Q Have any of your relatives appeared before this Commission to be identified as Mississippi Choctaws? A No, sir; not as I know of.
 Q Have you any other proof or evidence that you want to introduce now? A I have one witness.
 Q Do you understand or speak the Choctaw language? A No, sir; not much.
 Q Do you at all? A No, sir; I cannot speak it.

Fannie Patterson called as a witness in behalf of applicant testified as follows:

Examination by the Commission.

- Q What is your name? A Fannie Patterson.
 Q What is your age? A Somewhere close along in fifty or sixty I don't know my age exactly.
 Q What is your post office address? A Wynnewood.
 Q How long have you lived at Wynnewood, Indian Territory? A About nine years.
 Q Have you ever made application to be enrolled or identified as a Mississippi Choctaw Indian? A Yes, sir.
 Q When did you appear before the Commission? A I appeared before the Commission at Colbert.
 Q When did you appear? A (By attorney) June 1900.
 Q Did you make application at that time to be identified as a Mississippi Choctaw? A Yes, sir. (attorney; for enrollment as a Choctaw)
 Q Is that the only application you ever made to the Dawes Commission? A Yes, sir.
 Q Do you now come before the Commission to testify in the case of the application of Malinda Graves? A Yes, sir.
 Q And her children? A No answer.
 Q What do you know about Malinda Graves having Choctaw blood? A Her mother was called a Choctaw and she looked like it.
 Q Where did you know her mother? A In Lamar County.
 Q In what state? A Texas, and I knowed the man that she lived with there, Price.
 Q What was her mother's physical appearance? A She had the appearance of an Indian.
 Q Full blood Indian? A That is the way she appeared to me and she did not belong to no one there.
 Q How long ago did you know her? A Twenty years.
 Q How long ago was that; did you know her before the War? A Yes, sir.
 Q And she was living in Texas then? A Yes, sir she was living in Texas then.

#7

Texas then.

- Q Do you know that she was a Mississippi Choctaw? A That is what she called herself, Mississippi Choctaw and they all called her that.
- Q What is a Mississippi Choctaw? A I don't know.
- Q How do you that she was one? A That is what they called her.
- Q Always called her Mississippi Choctaw? A Always called her Mississippi Choctaw.
- Q Why did they not just call her Choctaw? A I don't know.
- Q Did she ever live in Mississippi? A I heard her say that her relatives lived there.
- Q But she did not say that she lived there? A No, sir.
- Q Was she a part Negro? A She did not look like it to me.
- Q Would you judge that she had any Negro blood at all? A She did not look like it to me; she looked like if she had any blood at all that it might be part white.
- Q Do you speak the Choctaw language? A No, sir.
- Q Did she? A She did not talk plain but I never heard her speak Choctaw but you could not call her language plain.
- Q Did she ever comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q You don't know anything about her father and mother? A No, sir.
- Q You just knew her? A Yes, sir.
- Q And knew her in Texas? A Yes, sir.
- Q Is there anything further you would like to say now in support of this claim and this application made by Malinda Graves? A No, sir; I don't know anything more; I know her and her children and I know her mother and her mother's children that is as far as I knew.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 31st day of March 1902.

Wm. H. Wood

Notary Public.

J.W.L.
COW.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Malinda Graves, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of -

| | |
|---------------------------|-------------|
| Malinda Graves, et al., | M.C.R. 4733 |
| James Steel, | " 4863 |
| Parthenia Rucker, et al., | " 4861 |
| Matilda Allison, | " 4862 |

--- D E C I S I O N ---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Malinda Graves for herself and her six minor children, Sarah,
Robert, John, Ines, Bertha and Martha Graves; by James Steel for
himself; by Parthenia Rucker for herself and her four minor chil-
dren, Annie Bell, Robert, Leaford and Mary Jane Rucker, and by Ma-
tilda Allison for herself, under the following provision of the act
of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-sev-
enth, eighteen hundred and thirty, and to that end may admin-
ister oaths, examine witnesses and perform all other acts nec-
essary thereto and make report to the Secretary of the Inter-
ior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Angerline (or Caroline or Adeline or Angeline) Danforth (or Danford), who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Angerline (or Caroline or Adeline or Angeline) Danforth (or Danford), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Con-

gross approved March 3, 1837 (5 Stats., 180) and August 23, 1842
(5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Malinda Graves, Sarah Graves, Robert Graves, John Graves, Ines Graves, Bertha Graves, Martha Graves, James Steel, Parthenia Rucker, Annie Bell Rucker, Robert Rucker, Leaford Rucker, Mary Jane Rucker, and Matilda Allison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Bixby.

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

FEB 7 1903

M.O. 4733

Muskogee, Indian Territory, March 5, 1902.

Malinda Graves,

Wynnawood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant in which you state that you made a mistake in giving the name of your grand mother at the time you appeared before the Commission as an applicant for identification as a Mississippi Choctaw. You state that your grand mother's correct name is Angerline instead of Sharlott; this information has been made a matter of record.

Yours truly,

Commissioner in Charge.

Miss. Choc. 4733
and 4863.

Muskogee, Indian Territory, March 18, 1902.

William Graves,

Wynnewood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fifteenth instant, inclosing certain papers for filing in support of the following applications for identification as Mississippi Choctaws

Affidavit of Malinda Graves to be filed with the application of James Steel.

Marriage license and certificate between William Graves Jr. and Mrs. Malinda Stephens, to be filed with the application of Malinda Graves et al.

The same have been filed with the records in the above named cases and will receive consideration in the disposition of the applications.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 4733

Muskogee, Indian Territory, April 18, 1902.

William Graves,

Wynnewood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 15, inclosing affidavit of Hada Williams offered in support of the application of Halinda Graves for identification as a Mississippi Choctaw and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, December 8, 1908.

David Williams,

Wynnewood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th inst., in which you ask to be advised if one, Malinda Gray, claiming to be a Mississippi Choctaw is an enrolled citizen. You state that her husband's name is Doc Graves.

In reply, you are informed that it does not appear from our records that any person by the name of Malinda Gray is an applicant for identification as a Mississippi Choctaw.

The records of the Commission do show, however, that Malinda Graves, 42 years of age, residence Wynnewood, Indian Territory, is an applicant for the identification of herself and her minor children as Mississippi Choctaws.

If the person named in the above application is the one of whom you inquire, you are advised that the Commission has not up to this time rendered any opinion or decision in her case, but is now considering her application and it is probable that a decision will be rendered in the near future; when she will be duly notified of the action of the Commission, and of the forwarding of the record

D W 3

to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

COPY.

Muskegee, Indian Territory, February 7, 1903.

Malinda Graves,
Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malinda Graves, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|-------------|
| Malinda Graves, et al., | M.C.R. 4733 |
| James Steel, | " 4863 |
| Parthenia Rucker, et al., | " 4861 |
| Matilda Allison, | " 4862 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Malinda Graves, Sarah Graves, Robert Graves, John Graves, Ines Graves, Bertha Graves, Martha Graves, James Steel, Parthenia Rucker, Annie Bell Rucker, Robert Rucker, Leaford Rucker, Mary Jane Rucker and Matilda Allison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification should be refused, and it is so ordered."

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James Bixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, February 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of February 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malinda Graves, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|-------------|
| Malinda Graves, et al., | M.C.R. 4733 |
| James Steel, | M.C.R. 4863 |
| Parthenia Rucker, et al., | M.C.R. 4861 |
| Matilda Allison, | M.C.R. 4862 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Malinda Graves, Sarah Graves, Robert Graves, John Graves, Ines Graves, Bertha Graves, Martha Graves, James Steel, Parthenia Rucker, Annie Bell Rucker, Robert Rucker, Leaford Rucker, Mary Jane Rucker and Matilda Allison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time,

-2-

the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Jane Bixby.
Acting Chairman.

Muskogee, Indian Territory, February 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Malinda Graves, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 7, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

| | |
|--------------------------|-------------|
| Malinda Graves, et al. | M.C.R. 4733 |
| James Steel | M.C.R. 4863 |
| Parthenia Rucker, et al. | M.C.R. 4861 |
| Matilda Allison | M.C.R. 4862 |

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

2 inclosures: M.C.R. 4733

M C R 4733

Muskogee, Indian Territory, February 27, 1903.

Malinda Graves,

Wynnewood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 18th instant, relative to the decision of the Commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws. You ask that you be allowed further time in which to hunt up certain witnesses.

In reply to your letter you are informed that the fifteen days from February 7, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on February 22, 1903. On February 24, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file arguments in support of their claims are granted under specific departmental instructions and cannot be extended.

Respectfully,

Chairman.

Land.
13,891--1903.

Copy
Department of the Interior,
Office of Indian Affairs,
Washington, March 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Malinda Graves for herself and her six minor children, Sarah, Robert, John, Ines, Bertha and Martha Graves; James Steel for himself; Parthenia Rucker for herself and her four minor children, Annie Bell, Robert, Leaford and Mary Jane Rucker, and Matilda Allison for herself, wherein a decision adverse to the applicants was rendered by the Commission on February 7, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Charlotte, Angeline or Caroline Danforth, who, it is claimed were Choctaw Indians and residents of the Choctaw Nation, in Mississippi at the date of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of the ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination has been made of the records of this office with ~~xx~~ reference to the names of Charlotte, Angeline or Caroline.

Caroline Danforth, and it is discovered that they do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Whootaw treaty of 1830.

This being true, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

(H.B.H.).

P.

D.C. 15852

Copy
Department of the Interior, JW.H. FHE.
Washington,

I.T.D. 3076--1903.

May 22, 1903

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 24, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Malinda Graves (M C.R. 4733), for herself and her six minor children, Sarah, Robert, John, Ines, Bertha and Martha Graves; of James Steel for himself; of Parthenia Rucker for herself and her four minor children, Annie Bell, Robert, Leaford, and Mary Jane Rucker; and of Matilda Allison for herself, including your decision of February 7, 1903, refusing to identify them as such.

The principal applicant, Malinda Graves, through whom the others claim, is a quarter blood Choctaw. She obtained her Indian blood from her mother, Matilda Montgomery, nee Danforth, who was born soon after the treaty of Dancing Rabbit Creek. The mother of Matilda Montgomery was a full blood Choctaw named Angerline (or Caroline or Adline or Angeline) Danforth (or Danford).

The testimony as furnished by the record fails to show that these applicants or any of their alleged ancestors, ever complied or attempted to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or the subsequent acts of Congress relating thereto.

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter March 18, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is accordingly affirmed.

Respectfully,

THOS. RYAN.
Acting Secretary.

1 inclosure.

COPY.

H.C.R.4733

Muskogee, Indian Territory, June 15, 1903.

Malinda Graves,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby notified that on the 22nd day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malinda Graves, et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

COPY.

M.C.P. 4733

Muskogee, Indian Territory, July 15, 1903.

A. S. McRae,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malinda Graves, et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

COPY.

M.C.R.4703

Muskogee, Indian Territory, July 15, 1903.

Mansfield, McMurray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malinda Graves, et al., of which decision you were advised by mail on the 7th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

M C R 4733

Muskogee, Indian Territory, July 29, 1903.

Malinda Graves,
Wynnewood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 24th instant, in which you state that you have improved certain land, and ask if you will be allowed "to work any money out of the land."

In reply you are informed that it appears from our records that on May 22, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws, and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

M C R 4733

Muskogee, Indian Territory, September 1, 1903.

Malinda Graves,

Wynnewood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th ultimo, by reference from the Secretary of the Interior. Therein you ask what disposition you should make of improvements you have on certain land.

In reply you are informed that it appears from our records that on May 22, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application for identification as a Mississippi Choctaw, and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

REFER TO M. C. R.

4733

Malinda Graves, et al

Consolidated Case.

Angeline Danforth (a Danford)
full
husband
Randolph Danforth
Mexican

Matilda Danforth, 1/2 dead
husband
Mose Montgomery?
(negro)

Malinda Danforth, 1/2 1/4
married
① Ky Steele
② William Graves, negro

mck
4863

James Steel, 26, 78
wife
Janie Steel, negro

mck
4866

Parthenia Steele, 24 78
married
Tom Rucker, negro

mck
4867

Annie Bell Rucker, 8
Robert Rucker, 4
Leaford Rucker, 3
Mary Jane Rucker, 6m

mck
4868

Matilda Graves, 17, 78
married
George Allison, negro

mck
4133

Sarah Graves, 16
Robert Graves, 13
John Graves, 10
Ires Graves, 7
Bertha Graves, 5
Martha Graves, 2

No. — 4733 —

For Identification as a Mississippi Choctaw.

Date

FEB 15 1892

Name Malinda Graves

Age 42 Blood 1/4

Post Office, Wynnwood, L. T.

Father: Mose Montgomery —

Mother: Matilda Danforth, d

Claims through mother.
~~Husband~~

William Graves, l. neg.

No claim for husband.

Children:

Sarah Graves. 16

Robert " 13

John, " 10

INES
Ines " F 7

Bertha " 5

Martha " 2

Claims for self &
children —

Stenographer G. Rosemire

Choctaw MCR 4734

George A. Moler

See MCR 3639

MCR 4734

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 13, 1902.

4734
3734

In the matter of the application for identification as a Mississippi Choctaw of George A. Moler.

Applicant not represented by attorney.

George A. Moler being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A George A. Moler.
Q What is your age? A Twenty-one past.
Q What is your post office address? A Granbury, Cook County, Texas.
Q How long have you lived in Granbury? A About eight years I guess
Q Where did you live before that? A Hunt County.
Q Where were you born? A Hunt County
Q Texas? A Yes, sir.
Q Always lived in Texas? A Yes, sir.
Q What is your father's name? A George Moler.
Q Is he living? A No, sir.
Q What is your mother's name? A Martha.
Q Is she living? A Yes, sir.
Q Is her name Moler? A No; Wells now.
Q She married again? A Yes, sir.
Q You claim through your father or mother? A Father.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?
A If he has I don't know anything about it.
Q Are you married? A No, sir.
Q Claim for yourself alone do you? A Yes, sir.
Q When and where were your father and mother married? A Hunt County.
Q Texas? A Yes, sir.
Q You remember the day of the month and year? A No, sir.
Q Have you proof of their marriage with you? A No, sir.
Q Can you introduce it later in support of this claim? A Why
Q you have the license here, my mother filed it here.
Q Did your mother make application and did she introduce that marriage license? A She did on out side; she did not make any application herself but for us children.

A reasonable time will be allowed this applicant in which to introduce evidence of the marriage of his father and mother.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.

#2

- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A I don't know whether I ever have or not.
- Q You now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article of that treaty? A I think I do.
- Q Would you like to have it explained to you? A You might explain it.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi and was made for the purpose of the removal of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under that treaty of 1830 and in order to protect the interests of these Indians who stayed back there article fourteen was put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with any of the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My great grandfather.
- Q Who did these other people claim that they are related to? A I don't know.
- Q Go back as far as you can and tell me who lived in Mississippi in 1830, if you can? A I can't tell you that.
- Q Who is your ancestor that you claim through? A Aunt Melinda Surratt.
- Q What relation is she to you? A My aunt on my father's side.
- Q You cannot claim through your aunt, you must claim through an ancestor going back in a direct line. You have to claim through either your father or mother, or either your grandfather or grandmother on either your father or mother's side? A That was the only one I know anything about.
- Q You claim through your father, George Moler? A Yes, sir.
- Q Now he claims through whom, his father or mother? A Through his father I suppose.
- Q Well do you know? A No, sir; I don't know.

- Q You don't know whether his father had any Choctaw blood or not?
A No, sir.
- Q Do you know whether you claim his lineage further back or your mother's lineage further back? A No, sir; I do not.
- Q In making an application for identification as a Mississippi Choctaw in will be necessary for you to show that you have Choctaw blood, and that that Choctaw blood was derived from an ancestor who lived in the old Choctaw Nation, either in Mississippi or Alabama, and complied with the provisions of article fourteen of the treaty of 1830. Do you think you can do that now? A I don't know whether I can or not.
- Q You don't think you can do that now? A No, sir.
- Q Do you think that if you were given time that you could introduce testimony or evidence to show that you had a Choctaw ancestors who lived in Mississippi in 1830 and who complied with article fourteen of that treaty? A I don't know that.
- Q You are not able then to go back further in a direct line than your father George Moler? A Yes, sir; that is all.
- Q He is now dead? A Yes, sir.
- Q How old would he be if living now? A About fifty-one I think.
- Q Where was he born? A I cannot tell you.
- Q Did you ever hear that he lived in Mississippi? A I heard he was.
- Q Who told you that he used to live in Mississippi? A Some of my ancestors.
- Q Who told you? A I don't know exactly.
- Q Did your mother tell you? A It might have been her.
- Qx Do you know where in Mississippi your father George Moler lived?
A No, sir.
- Q Can you give the name of either his father or mother? A His father's name was Elsie Moler.
- Q What was his mother's name? A His mother's name was----I have forgot what his mother's name was.
- Q Did you ever hear that his father or mother lived in Mississippi?
A Yes, I heard it but I don't know how true it was.
- Q Do you know whether Elsie Moler lived in Mississippi in 1830? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know that they did.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know that.
- Q Did you ever hear that any of your Choctaw ancestors owned any land or claimed any under article fourteen of the treaty of 1830 in the states of Mississippi or Alabama? A No, sir; I don't know.
- Q Did you ever hear that they claimed any land or any improvements or benefits of any kind as Choctaw Indians under any other article ~~but~~ the treaty of 1830 than article fourteen or under the supplement of that treaty, in Mississippi or Alabama? A No, sir.
- Q Did they ever claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A I don't know whether they did or not.

The Indians who stayed in Mississippi and Alabama, that is in the old Choctaw Nation, after the treaty of 1830 was ratified were required under the provisions of article fourteen of that treaty to go to the United States Indian Agent, within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. This was required if they wished to take advantage of the provisions of article fourteen of that treaty. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to make a proper and complete list of all Choctaw Indian claimants who came before him under the provisions of that article of that treaty caused a good many Indians who had land in Mississippi upon which they had improvements to lose both the land and the improvements they had upon it. Both were taken from them by the government and sold at its public land sales. This caused a great many complaints along the Choctaw Indians so that in 1837, by act approved March 3, of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission by act approved August 23, of that year and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Do you know whether any of your ancestors went before either of these two Commissions, that of 1837 or the Commission of 1842 and claimed benefits under article fourteen of the treaty of 1830? A No, sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek; if it also further appeared that he had had land in Mississippi which the government had taken from him and sold at its public land sales that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government lands and a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.
 Q Have you had any relatives who have been before this Commission to be identified as Mississippi Choctaws? A Yes; my mother has been before it.
 Q What was her name? A Martha Wells.
 Q Any others? A My brothers have all been before them.
 Q What is your brother's name? A J. M. Moler.
 Q Any others? A E. G. Moler.
 Q Your mother's name is Martha Wells? A Yes, sir.
 Q She is a white woman? A Yes, sir.
 Q And she appeared before the Commission to make application for whom? A For her youngest child.
 Q Annie Moler? A Yes, sir.
 Q What relation is James M. Moler to you? A My brother.
 Q Who is John Moler? A He is one of my brothers.

| | | |
|----------------------------|-----------------|--------------|
| Reference is here made to: | James M. Moler, | M.C.R. 4275, |
| | Annie Moler, | M.C.R. 4280, |
| | John Moler, | M.C.R. 4276, |

#5

- Q Do you want to have their records considered with yours when yours is taken up for consideration by the Commission? A Yes, sir; altogether.
- Q Have you any documentary or any other evidence that you want to introduce now? A No, sir.
- Q Do you speak the Choctaw language? A No, sir.
- Q Do you want time in which to introduce testimony or evidence in this case? A No, sir; I don't think I need any other.
- Q Is there anything further you would like to say in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion; dark eyes; dark hair almost black; and has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 31st day of March 1902.

Chas. Mitchell Wood

Notary Public.

COPY.

H.C.R. 4734.

Muskogee, Indian Territory July 12, 1902.

George A. Moler,

Granbury, Texas.

Dear Sir:-

You are hereby advised that on the 12th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Caroline Mackadams, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------------|--------------|
| Martha Caroline Mackadams, et al., | H.C.R. 3839 |
| Ellen M. Surratt, et al., | H.C.R. 4020 |
| Sarah A. Washington, et al., | H.C.R. 4024 |
| Vesttrous Hiles, et al., | H.C.R. 4026 |
| Martha Crowson, et al., | H.C.R. 4026 |
| Jemie Surratt, | H.C.R. 4027 |
| Mary T. Surratt, | H.C.R. 4028 |
| Thomas M. Washington, et al., | H.C.R. 4029 |
| J. C. Surratt, | H.C.R. 4030 |
| James H. Moler, | H.C.R. 4275 |
| John Moler, et al., | H.C.R. 4276 |
| Gip Moler, | H.C.R. 4277 |
| Katie Renslee, et al., | H.C.R. 4278 |
| Lee Mathews, et al., | H.C.R. 4279 |
| Annie Moler, | H.C.R. 4280 |
| George A. Moler, | H.C.R. 4734. |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

A. M. #2

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Martha Caroline Mackadams, David Franklin Mackadams, Ellen M. Surratt, Crawford ~~Mamet~~ Surratt, Sarah A. Washington, Charlie E. Washington, Rhena E. Washington, Ludie A. Washington, Dudley D. Washington, Venttrens Liles, Carrie Belle Liles, Thomas A. Liles, Arrie V. Liles, Louis Ausbun Liles, Myra May Liles, Martha Crowson, Annie Pearl Crowson, James Arnold Crowson, Josie Surratt, Mary T. Surratt, Thomas E. Washington, Clara B. Washington, Ora D. Washington, J. C. Surratt, James M. Moler, John Moler, Dora J. Moler, Mattie P. Moler, Gip Moler, Katie Henslee, Willie Maud Henslee, Minnie Ola Henslee, Herman Henslee, Mack Henslee, Lee Mathews, Jesse Pryor Mathews, Otis Millard Mathews, Mattie May Mathews, Annie Moler, and George A. Moler as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James D. Kirby

Acting Chairman.

Registered.

COPY.

M.C.R. 4734.

Muskogee, Indian Territory, September 27, 1902.

George A. Moler,
Granbury, Texas.

Dear Sir:

You are hereby advised that on the 15th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Caroline Mackadams, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(Signed)

Acting Chairman.

Date

FEB 15 1902

Name George A. Moler.

Age

21

Blood

1/8

Post Office,

(GRANBURY)

Granbury, Texas,

Father:

George Moler. d

Mother:

Martha Wells, l

Claims through

father

Claims for self
alone.

Photographer

G. Rosenwiner

Choctaw MCR 4735

Charlotte I. Girod

See MCR 5044

MCR 4735

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 15, 1902.

4735

In the matter of the application for identification as Mississippi Choctaws of Charlotte I. Girod, for herself and minor daughter Gracie Girod.

Applicants not represented by attorney.

Charlotte I. Girod having been first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Charlotte I. Girod.
Q What is your age? A Twenty-six.
Q What is your post office address? A Pauls Valley, Indian Territory.
Q How long have you lived there? A About three months, no about five months.
Q Where did you live before you lived there? A At Tussy, Indian Territory.
Q How long did you live there? A About three years and six months I expect.
Q Where did you live before you lived there? A In Arkansas.
Q Were you born in Arkansas? A Yes, sir.
Q Always lived in Arkansas until you came to the Indian Territory? A No, sir; I lived in Texas part of the time.
Q Before you went to the Indian Territory from Arkansas how long did you live in Arkansas? A Nine years.
Q Is your father living or dead? A Dead.
Q Is your mother living? A Dead.
Q What was your father's name? A John E. Pyle.
Q What was your mother's name? A Polly Ann.
Q Do you claim through your father or mother? A Father.
Q How much Choctaw blood do you claim? A I don't know how much/
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Have you proof of the marriage of your father and mother with you now? A No, sir; I have no proof.
Q Do you think you could introduce that proof if given time? A A I don't know whether I could or not.
Q Do you know when and where they were married? A No, sir; I do not know.
Q Do you know where? A They were married in Arkansas.
Q What place? A I don't know the name of the place;---they were married at Marion County, at Yellville.
Q Were they married by a minister? A Yes, sir.
Q Under a license? A Yes, sir.

A reasonable time will be allowed this applicant in which to prove the marriage of her father and mother if she desires.

- Q Is your husband living? A Yes, sir; that is my husband right there.
- Q What is his name? A W. K. Girod.
- Q Do you make any claim for him as having Choctaw blood? A No, sir.
- Q He is a white man then is he? A Yes, sir.
- Q How many children have you? A One.
- Q What is the name of that child? A Gracie.
- Q G-r-a-c-i-e? A Yes, sir.
- Q How old is she? A Six months.
- Q You claim for yourself and this child do you? A Yes, sir.
- Q Were you ever married or was your husband ever married before you each married to each other? A He was married.
- Q He was married before he married you? A Yes, sir.
- Q Has he any children by that marriage? A No, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation to the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and your child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A No, sir; I don't understand it.
- Q Do you understand what a treaty is? A I don't understand much about it at all.

A treaty is a compact in writing made between two or more Nations and differs from a contract made between individuals in that respect that a treaty is always made between Nations.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians, in Mississippi and Alabama at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830. It is some times called the treaty of 1830 and some times the treaty of Dancing Rabbit Creek, but it is the same treaty. The reason why that treaty was made was that the government desired, the United States government desired to remove the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory and in order to protect their interests article fourteen was put into the treaty that article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and

and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that now well enough to claim under it? A Yes, sir.
- Q Do you know whether any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty as read and explained to you. Do you know whether they did any of these things that were enumerated there? A I don't know anything about that.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw Lucy DeGraffenreed?
- Q Who is that? A My great grandmother.
- Q What was your grandmother's name? A Catherine G. Pyle.
- Q A daughter of Lucy DeGraffenreed? A Yes, sir.
- Q And your father's mother? A Yes, sir.
- Qx Did Lucy DeGraffenreed live in the state of Mississippi in 1830? A Lucy DeGraffenreed did not; her mother did.
- Q Where did Lucy DeGraffenreed live in 1830? A I could not tell you where she lived.
- Q What was Lucy DeGraffenreed's mother's name? A Lucy Thaxton.
- Q Then you claim that Lucy Thaxton who was your great-great grandmother lived in Mississippi in 1830, do you? A Yes, sir.
- Q Did she have a family of children there at that time in that state? A I don't know I reckon she did.
- Q Did you hear it in the family; is it a matter of family history and tradition? A I never heard.
- Q How old would Lucy Thaxton be if living now? A I could not say.
- Q Where was she born and when? A I could not say where she was born.
- Q Did she die in the state of Mississippi? A No, sir; I don't reckon she did; she left there before she died.
- Q Where did she go to? A I could not tell; she left there when the treaty was made.
- Q She was living there until 1830 was she? A Yes, sir.
- Q But you don't know that she had children there at that time? A No, sir.
- Q Was her husband a white man? A I don't know that.
- Q How much Choctaw blood did Lucy Thaxton have? A She claimed one-half, that what I have been told.
- Q You don't know about that whether she had a half or not? A No, sir.
- Q Did Lucy DeGraffenreed ever live in Mississippi? A I don't know whether she did or not.
- Q Did any of your Choctaw ancestors own any improvements on lands in Mississippi or Alabama in eighteen hundred and thirty? A No, sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.

- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A Yes, sir; I reckon Lucy Thaxton did.
- Q Did she claim any under article fourteen of the treaty of 1830? A All I know is what I heard my grandmother tell about it. That she lived there and had land.
- Q Did she have land in Mississippi in 1830? A Yes, sir.
- Q How do you know that? A I don't know it; that is what I heard.
- Q Who told you? A I heard my grandmother speak of it.
- Q Where did she get that land if you ever heard? A We can get proof of that.
- Q Did she buy it? A I don't know whether she bought it or not. It was improved; Russell Franklin and a Negro Lucy Franklin are out witnesses.
- Q You don't know anything about that land business way back there in 1830? A No, sir.
- Q Did any of your Choctaw ancestors own any land or claim any under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors claim any land or any benefits under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? No, sir; I don't remember.

The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to register upon his register known as Ward's list. His failure to make a complete list of all claimants who came before him under article fourteen of that treaty caused many Indians who had land in Mississippi upon which they had improvements to lose them both; both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837 by act of March 3rd of that year a Commission was appointed by Congress which Commission went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 by act approved August 23rd of that year another Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors appear before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir; I don't know anything about it

The act of Congress approved August 23, 1842, provided that; if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek; if it also further appeared that he had had land in Mississippi which the government had taken from him and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

#5

- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians? A No, sir.
- Q Have you any evidence that you want to introduce now in support of your claim, anything further? A No, sir.
- Q Do you want time in which to introduce further testimony or evidence in this case? A No, sir; I want the case put in with the rest of them.
- Q You don't care for any time then? A No, sir.
- Q Have you had any relatives who have been here to be identified as Mississippi Choctaws claiming through this same ancestor Lucy Thaxton? A Yes, sir.
- Q Who is Samuel M. Pyle? A My Uncle.
- Q Has your mother been here? A No, sir; she is dead.
- Q Your father and mother are both dead? A Yes, sir.
- Q Who is Samuel G. Pyle? A My uncle.
- Q Do you want to have their cases considered with yours when yours is examined? A Yes, sir.

Reference is here made to Sameul G. Pyle, M.C.R. 4613,
Samuel M. Pyle, M.C.R. 4597.

- Q Do you speak the Choctaw language? A No, sir.
- Q Is there anything further you want to say in support of your claim A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; light complexion; brown eyes; brown hair. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

Subscribed and sworn to before me this 31st day of March 1901.

G. Rosenwinkel
Charles H. Wood
Notary Public.

COPY.

K.C.R. 4735.

Kuskogee, Indian Territory, October 13, 1902.

Charlotte I. Girod,

Paula Valley, Indian Territory.

Dear Madam:

You are hereby advised that on the 13th day of October, 1902, the Commission to the Five Civilised Tribes rendered a decision in the consolidated case of Vinson Anglen, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|-------------|
| Vinson Anglen, | K.C.R. 5044 |
| John R. Anglen, et al., | M.C.R. 5046 |
| James L. Anglen, | M.C.R. 5047 |
| William D. Anglen, | M.C.R. 5048 |
| Minnie B. Rook, et al., | M.C.R. 5045 |
| Samuel M. Pyle, et al., | M.C.R. 4597 |
| Thomas Pyle, et al., | M.C.R. 4612 |
| Samuel G. Pyle, et al., | M.C.R. 4613 |
| Cornelia Battenfield, et al., | M.C.R. 4602 |
| Joseph Clinton Pyle, et al., | M.C.R. 4614 |
| Arizona Buse, et al., | M.C.R. 4604 |
| George F. Pyle, | M.C.R. 4881 |
| Charlotte I. Girod, et al., | M.C.R. 4735 |
| Nottie Alexander, et al., | M.C.R. 4603 |
| Cincinnati Pyle, | M.C.R. 4606 |
| John Ella Tamplen, et al., | M.C.R. 4736 |
| Nathaniel A. Pyle, et al., | M.C.R. 4598 |
| Alice Roller, et al., | M.C.R. 4601 |
| Lissie Wilcher, et al., | M.C.R. 4599 |
| Jenetti Isabel Nowlin, et al., | M.C.R. 5050 |
| Ardona A. Adams, et al., | M.C.R. 5051 |
| Gove N. Pyle, et al., | M.C.R. 4607 |
| Hannie R. Baker, et al., | M.C.R. 4600 |
| James E. Battenfield, et al., | M.C.R. 5049 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Vinson Anglen, John R. Anglen, Mary V. Anglen, Ocie R. Anglen, Thomas Jefferson Anglen, James L. Anglen, William D. Anglen, Minnie B. Rook, Minnie Jewel Rook, Samuel K. Pyle, Gamaliel K. Pyle, Charles Edwin Pyle, Onie V. Pyle, Thomas Pyle, Annie B. Pyle, Victor E. Pyle, Emma I. Pyle, Mary C. Pyle, John K. Pyle, Carl C. Pyle, Hester P. Pyle, Samuel G. Pyle, Mary Pyle, Elbert Pyle, Escor Pyle, Delora Pyle, Claud Pyle, Hoatt Pyle, Cornelia Battenfield, George Moulton Battenfield, Mabel Battenfield, Albert Battenfield, Joseph Clinton Pyle, Jewel F. Pyle, Earl C. Pyle, Arizona Buce, Mary Buce, Willie K. Buce, George F. Pyle, Charlotte L. Girod, Grace Girod, Nettie Alexander, Effie K. Alexander, Willie Virgil Alexander, Eva O. Alexander, Cincinnati Pyle, John Ella Tamplin, Annie K. Tamplin, James Z. Tamplin, Nathaniel A. Pyle, Woodard D. Pyle, James B. Pyle, Rosie B. Pyle, Elmer A. Pyle, Eula N. Pyle, Nathan G. Pyle, Alice Roller, Annie Bell Roller, Lizzie Wilcher, Josie Wilcher, Jenetti Isabel Nowlin, Arnilda L. Nowlin, David P. Nowlin, Virgie N. Nowlin, Victor Nowlin, Catherine Louisa Nowlin, George H. Nowlin, Ardena A. Adams, Rector N. Adams, Murrie J. Adams, Gove N. Pyle, Ella J. Pyle, Emily E. Pyle, Catherine D. Pyle, Lucy V. Pyle, Eula E. Pyle, Obed Pyle, Nannie E. Baker, Albert Lee Baker, Walter Baker, Ada Baker, Gertrude Baker, Bessie Baker, Vesta Baker, James E. Battenfield, Kattie E. Battenfield and Ethel Battenfield as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

C. I. G. No. 3.

You are farther advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

(SIGNED):

T. E. Needler
Commissioner in Charge.

Registered.

Mustang, Indian Territory, February 28, 1903.

Charlotte D. Girod,
Parks Valley, Indian Territory.

Dear Madam:

You are hereby notified that on the 17th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Vinson Anglen, et al., of which decision you were advised by registered mail on the 13th day of October, 1902.

Respectfully,

(SIGNED).

Tamie D. ...
Chairman.

No. 4735

For Identification as a Mississippi Choctaw.

Date

Feb 15 1902

Name *Charlotte J. Girod*

Age

26

Blood

Don't know

Post Office,

Pauls Valley, I. T.

Father;

John E. Pyle, d

Mother:

Polly Ann " - d

Claims through

father,

husband

W. K. Girod, l. w.

*Claims nothing for
husband.*

Children:

Gracie Girod, 6 m

*Claims for self &
child,*

Choctaw MCR 4736

John Ella Tamplen .

See MCR 5044

MCR 4736

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 15, 1902.

4736

In the matter of the application for identification as Mississippi Choctaws of John Ella Tamplen, for herself and her two minor children, Annie M., and James Z. Tamplen.

Applicants not represented by attorney.

John Ella Tamplen being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A John Ella Tamplen.
Q What is your age? A Twenty.
Q What is your post office address? A Elmore, I.T.
Q How long have you lived at Elmore? A Not very long, about one year.
Q Where did you live before you lived at Elmore? A At Tussy one year and then I lived in Texas.
Q How long have you lived in Indian Territory altogether? A About two years.
Q Where did you live before that, in Texas? A In Grayson County, Texas.
Q Did you live most of your life in Grayson County? A No, sir; mostly in Cook County.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A John E. Pyle.
Q What was your mother's name? A Polly Ann.
Q You claim your Choctaw blood through your father or mother? A Father.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Have you proof of the marriage of your father and mother with you? A No, sir.
Q Do you think you could introduce that later? A I don't know.

A reasonable time will be allowed this applicant in which to prove the marriage of her father and mother if she desires.

- Q Do you know when they were married? A No, sir.
Q Do you know where they were married? A No, sir.
Q Do you know whether they were married under a license and by a minister? A No, sir.
Q Are you married? A No, sir.
Q Husband living? A No, sir.
Q He was a white man was he? A Yes, sir.
Q What was his name? A James W. Tamplen.
Q Have you any children under age that you desire to make application for? A Yes, two.

- Q What is the name of the oldest child? A Annie M. Tamplen
 Q How old is she? A Threeyears old.
 Q What is the name of the next? A James Z.
 Q Boy? A Yes, sir.
 Q How old is he? A He is 16 months old.
 Q Was James W. Tamplen the father of these children? A Yes, sir.
 Q They live with you at your home now do they? A Yes, sir.
 Q Where was your father born? A I don't know.
 Q Where did he die? A In Arkansas.
 Q What place in Arkansas? A In Marion County.
 Q How long ago? A Twelve years.
 Q How old was he when he died? A I don't know.
 Q Did he ever live in any other state than Arkansas? A Yes, he lived in Texas.
 Q Before he went to Arkansas? A He lived first in Texas and then in Arkansas.
 Q Was he born in Arkansas? A I don't know.
 Q He went to Texas and then to Arkansas where he died? A Yes, sir.
 Q You claim for yourself and these two children do you? A Yes, sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
 Q You now come before the Commission for the purpose of being identified and for the identification of your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
 Q Do you understand that article of that treaty? A No, sir.
 Q Do you know what a treaty is? A No, sir.
 Q You know what a contract in writing is? A No, sir.

A contract in writing or an agreement in writing is where two or more individuals make a bargain and a treaty in writing is where the compact is made between Nations instead of individuals.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September of that year and was made for the purpose of the removal of the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of these Indians who stayed back there in the old Choctaw Nation, article fourteen was drafted and put into that treaty. The treaty was then signed and afterwards ratified on the 24th day of February 1831. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen, of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each

unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parents. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that well enough to claim under it? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Lucy Thaxton.
- Q What relation was Lucy Thaxton to you? A My great-great grandmother.
- Q Did she or any of your Choctaw ancestors comply with the provisions of that article of that treaty? A I don't know.
- Q How much Choctaw blood did Lucy Thaxton have? A She claimed one-half Choctaw.
- Q Did she speak the Choctaw language? A I don't know.
- Q Did she live in Mississippi in 1830? A I don't know that.
- Q Do you know whether she or any of your Choctaw ancestors had a family in Mississippi in 1830 or in Alabama? A I don't know.
- Q Did you ever hear that she lived there? A I don't know.
- Q Can you give the name of any ancestors of yours who lived in the state of Mississippi or Alabama? A No, sir; I don't know any.
- Q How old would Lucy Thaxton be if living now? A I don't know.
- Q You claim through your father? A Yes, sir.
- Q He claimed through which parent father or mother? A Mother.
- Q Did she live in Mississippi? A She had lived in Mississippi.
- Q How old would your father's mother be if she were living now? A I don't know exactly how old.
- Q She claimed through which parent; her father or mother? A Her mother.
- Q What was her mother's name? A Before she married it was DeGraffenreed, she married an Anglen.
- Q And her mother was Lucy Thaxton? A Yes, sir.
- Q Is that, Lucy Thaxton, the maiden name of your great-great grandmother? A I think that was her husband's name.
- Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did Lucy Thaxton or any of your Choctaw ancestors go before the United States Indian Agent whose name was Colonel Ward, within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know that.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did they claim any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know whether they did or not.

- Q Did they claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830; do you know? A No, sir.

The Indians who stayed in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified, if they wanted to take advantage of the provisions of article fourteen, were required, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did this, whose names Colonel Ward failed to record upon his list known as Ward's register, and this failure caused a good many Indians who had land in Mississippi to lose their land and the improvements they had upon that land. Both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that Congress in 1837 appointed a Commission by act approved March 3rd of that year which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842 and claim benefits under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana, Alabama or Arkansas, to take the place of land which they held in Mississippi and which they claimed the government had taken from them? A I don't know.
- Q What relation is Samuel M. Pyle to you? A Uncle.
- Q Samuel G. Pyle? A Uncle.
- Q They have appeared before the Commission claiming through Lucy Thaxton? A Yes, sir.
- Q They have made application to be identified as Mississippi Choctaws; have they? A Yes, sir.
- Q You want to have their records considered with yours? A Yes, sir.
- Q And also the record of your sister Charlotte I. Girod? A Yes, sir.

Reference is here made to,

Samuel M. Pyle, M. C. R. 4897,
Samuel G. Pyle, M. C. R. 4613,
Charlotte I. Girod, M. C. R. 4735.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have you any documentary evidence or any other evidence you want to introduce at this time? A No, sir.
- Q Do you want any time extended to you for the introduction of further evidence or proof in this case? A We have two Negroes; their names are Catherine Franklin and Russell Franklin.
- Q You want time to get their evidence? A Yes, sir.

A reasonable time is extended for the introduction of further proper evidence in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; black hair; dark complexion; gray eyes. She has no knowledge of the Choctaw language.

#5
and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 31st day of March 1902.

Charles M. [illegible]
Notary Public.

COPY

M.C.R. 4736.

Muskogee, Indian Territory, October 13, 1902.

John Ella Tamplen,

Elmore, Indian Territory.

Dear Madam:

You are hereby advised that on the 13th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Vinson Anglen, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|-------------|
| Vinson Anglen, | M.C.R. 5044 |
| John R. Anglen, et al., | M.C.R. 5046 |
| James L. Anglen, | M.C.R. 5047 |
| William D. Anglen, | M.C.R. 5048 |
| Minnie B. Rook, et al., | M.C.R. 5045 |
| Samuel M. Pyle, et al., | M.C.R. 4597 |
| Thomas Pyle, et al., | M.C.R. 4612 |
| Samuel G. Pyle, et al., | M.C.R. 4613 |
| Cornelia Battenfield, et al., | M.C.R. 4602 |
| Joseph Clinton Pyle, et al., | M.C.R. 4614 |
| Arisona Buce, et al., | M.C.R. 4604 |
| George F. Pyle, | M.C.R. 4881 |
| Charlotte L. Girod, et al., | M.C.R. 4735 |
| Nettie Alexander, et al., | M.C.R. 4603 |
| Cincinnati Pyle, | M.C.R. 4606 |
| John Ella Tamplen, et al., | M.C.R. 4736 |
| Nathaniel A. Pyle, et al., | M.C.R. 4598 |
| Alice Reller, et al., | M.C.R. 4601 |
| Lissie Wilcher, et al., | M.C.R. 4599 |
| Jenetti Isabel Nowlin, et al., | M.C.R. 5080 |
| Ardens A. Adams, et al., | M.C.R. 5061 |
| Gove N. Pyle, et al., | M.C.R. 4607 |
| Nannie E. Baker, et al., | M.C.R. 4600 |

James R. Battenfield, et al., M.C.R. 5049

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Vinson Anglen, John R. Anglen, Mary V. Anglen, Ocie R. Anglen, Thomas Jefferson Anglen, James L. Anglen, William D. Anglen, Minnie B. Rook, Minnie Jewel Rook, Samuel M. Pyle, Gamaliel M. Pyle, Charles Edwin Pyle, Onie V. Pyle, Thomas Pyle, Annie B. Pyle, Victor F. Pyle, Emma I. Pyle, Mary C. Pyle, John M. Pyle, Carl C. Pyle, Hester P. Pyle, Samuel C. Pyle, Mary Pyle, Albert Pyle, Escor Pyle, Delora Pyle, Claud Pyle, Meatt Pyle, Cornelia Battenfield, George Moulton Battenfield, Mabel Battenfield, Albert Battenfield, Joseph Clinton Pyle, Jewel F. Pyle, Earl C. Pyle, Arizona Buce, Mary Buce, Willie K. Buce, George F. Pyle, Charlotte I. Girod, Gracie Girod, Hattie Alexander, Effie E. Alexander, Willie Virgil Alexander, Eva O. Alexander, Cincinnati Pyle, John Ella Tamplen, Annie M. Tamplen, James Z. Tamplen, Nathaniel A. Pyle, Woodard D. Pyle, James B. Pyle, Rosie B. Pyle, Elmer A. Pyle, Kula W. Pyle, Nathan G. Pyle, Alice Roller, Annie Bell Roller, Lizzie Wilcher, Jonie Wilcher, Jennett Isabel Nowlin, Armilda L. Nowlin, David P. Nowlin, Virgie L. Nowlin, Victor Nowlin, Catherine Louida Nowlin, George H. Nowlin, Ardana A. Adams, Reotor N. Adams, Murfie J. Adams, Gove N. Pyle, Ella J. Pyle, Emily E. Pyle, Catherine D. Pyle, Lucy V. Pyle, Kula E. Pyle, Obed Pyle, Mennie E. Baker, Albert Lee Baker, Walter Baker, Ada Baker, Gertrude Baker, Bessie Baker, Vesta Baker, James E. Battenfield, Hattie E. Battenfield and Ethel Battenfield as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

J. E. T. No. 3.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Respectfully,

I. B. Neel

Commissioner in Charge.

Registered.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

M.C.R. 4736

Muskogee, Indian Territory, February 20, 1903.

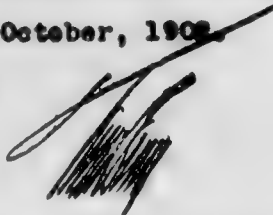
John Ella Templen,

Elmore, Indian Territory.

Dear Madam:

You are hereby notified that on the 17th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Vinson Anglen, et al., of which decision you were advised by registered mail on the 13th day of October, 1902.

Respectfully,



Chairman.

M C R 844

Muskogee, Indian Territory, February 27, 1906.

Carr & Roberts,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:

In compliance with your request of the 21st instant, there is herewith enclosed copy of the decision of the Commission to the Five Civilized Tribes rendered December 17, 1902, in the Mississippi Choctaw case of Mary Jane Morrison, adverse to the applicant.

Respectfully,

Acting Commissioner.

McM 27/2

M C R 4736

Muskogee, Indian Territory, February 27, 1906.

A. K. Swan,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you ask to be advised the status of the Mississippi Choctaw case of John Ella Tamplen, et al.

In reply you are informed that this application was consolidated with and made a part of the Mississippi Choctaw case of Vinson Anglen, et al., in which a decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes October 13, 1902. This decision was approved by the Secretary of the Interior on February 17, 1903.

It is not believed that John Ella Tamplen and her minor children are in any manner entitled to share in the allotment of the lands of the Choctaws and Chickasaws.

Respectfully,

Acting Commissioner.

No. 4736

For Identification as a Mississippi Choctaw.

Date FEB 15 1902

Name John Ella Tamplen F.

Age 20 — Blood don't know,

Post Office, Elmore, I. T.

Father: John E. Pryce, d

Mother: Polly Ann " d

Claims through father
Neuburn
James W. Tamplen, d. w.

Children:

Annie M. Tamplen, 3

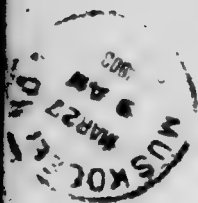
James Z. " 16 m.

Claims for self &
Children.

Stenographer G. Rosenwieser



4736
File



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 3 1903

COMMISSIONER



W.O.B.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$100.

Return to W.O.B.

John Ella Tamplen,

Elmore, Indian Territory.

H. H. H.

Unclassified

Choctaw MCR 4737

Miles G. Lantrip

See MCR 4006

MCR 4737

4737

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 12, 1902.

In the matter of the application of Miles G. Lantrip for identification as a Mississippi Choctaw.

Miles G. Lantrip, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Miles G. Lantrip.
- Q How old are you? A I am seventy three; born in 1828, November 28th.
- Q How much Choctaw blood have you? A Well, I don't know.
- Q What's your post office address? A Sarepta, Calhoun County, Mississippi.
- Q How long have you lived at Sarepta? A I have been living here in Chickasaw and Calhoun Counties, since 1840.
- Q Where did you live before that? A Lived in Alabama.
- Q At what place? A Sumter County.
- Q How long did you live there? A Lived a year at Fayette County.
- Q Where did you live before that? A Lived there until I come to Mississippi, in them two places.
- Q You were born there in Western Alabama? A Born in Christian County, Kentucky, and was brought over there a child; I don't remember nothing about that.
- Q When did your father die? A He died last year. He was ninety three years old.
- Q What was his name? A John Lantrip.
- Q Is your mother living? A No, sir, she's been dead twenty years, or more.
- Q What was her name? A Elizabeth Lantrip; Brashears was her maiden name.
- Q Through which one of your parents did you derive your Choctaw blood? A From my mother.
- Q How old was your mother when she died? A She was up in sixty, somewhere; I reckon she was sixty five.
- Q Do you know how much Choctaw blood she had? A No, I really don't.
- Q Your father didn't have any Choctaw blood? A None that I know of.
- Q Now, where was your mother born? A In Kentucky, I reckon. I don't know that.
- Q What part of Kentucky? A Christian County, Kentucky.
- Q You think she was born there? A I just simply don't know.
- Q What was her maiden name? A Brasher.
- Q Now, was your mother ever in Mississippi until you moved here? A No, never was here. She was in Alabama, on Tom Bigbee River; partly raised there.
- Q Was she ever in Alabama before she came there when you were a child? A Oh! yes; she was married in Alabama, at Demopolis.
- Q And moved from there to Kentucky? A Yes, and stayed a year and come back.

Miles G. Lantrip, et al., 2.

Q How long did she live in Alabama before she went to Kentucky?
A I reckon she was raised there; I don't know. My grand father was in Kentucky.

Q Through which one of her parents did your grand mother get her Choctaw blood? A She supposed to get it from her grand mother.

Q That does not answer my question. Through which one of her parents did your mother get her Choctaw blood? A Her father.

Q What was his name? A Lawrence Brasher.

Q Did you ever see him? A Oh! yes.

Q When did he die? A He died, I think, somewhere along in the eighties.

Q How old was he at the time of his death? A I think he was eighty seven.

Q Do you know how much Choctaw blood he had? A No, I don't know.

Q What was your mother's mother's name? A Her mother was Sallie, is all I know.

Q You don't know what her maiden name was? A Yes.

Q What was it? A Edmington.

Q She had no Choctaw blood? A Not that I know of. She died before I can recollect.

Q Didn't you ever hear how much Choctaw blood Lawrence Brasher had?
A No, not that I can remember.

Q Where was he born? A He was born, I reckon - I don't know that. In South Hampton County, Virginia, or North Hampton County, North Carolina, one, I don't know which.

Q Do you remember the year he was born? A I have known, but I have forgotten. No, I don't know; it was in 1700 though.

Q It was before the beginning of the 19th century? A Yes, sir.

Q Do you know how long he lived in Virginia before he came west?

A No, he came west while young.

Q Before he was married, or after? A Before he was married, I reckon; I don't know that, either; that's too far back for my age.

Q Where did he move to from Virginia? A He went to Kentucky I reckon.

Q What part of Kentucky? A Christian County, or Hopkins County.

Q How long did he stay there? A I don't know that, either.

Q Where did he go to from there? A Came to the Choctaw Nation.

Q Choctaw County, Alabama? A Maringo County,

Q Do you know when it was he came to Demopolis? A No, sir.

Q Have you any idea? A In the 20's, I reckon; I don't know.

Q How old were you when your mother moved from Kentucky down to Alabama with you? A I was just an infant.

Q Not a year old? A I expect so, not a year old, I don't know that.

Q You lived there in western Alabama then? A Raised up there until I was eleven years old and come to Mississippi, and have been here ever since.

Q Was that in the old Choctaw reservation where you lived there?

A Yes, I reckon it was.

Q Did your father and mother own any land there? A No, not that I know of; I don't know that.

Q Did either of them talk the Choctaw language? A They could talk a good deal of it; some of it, no a good deal of it; learned it from the Indians, I reckon.

Q They associated with the white people, did they, or with the Indians? A Well, I don't know; they wasn't with the white people; they was considered white people; they lived there with the Indians a good deal.

Miles G. Lantrip, 3.

- Q What was your father's occupation at that time? A Just a farmer.
- Q Did he own land there then? A No, I don't reckon he did.
- Q Rented it? A I don't know; I reckon he did.
- Q Do you know the name of the father, or of the mother of Lawrence Brasher? A I know them both.
- Q What were their names? A His mother was named Jane, I reckon, Nancy Jane, and his father was John Brasher.
- Q Did Jane have any Choctaw blood whatever? A Jane, she had the Choctaw blood.
- Q You never saw her, did you? A Oh! yes, I seed her many times; she died here in Mississippi.
- Q Do you know in what year she was born? A No, I don't know.
- Q She was the mother of Lawrence Brasher? A Yes, sir and Kizziah Thompson.
- Q Who is Kizziah Thompson? A She is a sister to Lawrence Brasher.
- Q Where was Jane Brasher born? A I don't know that.
- Q What amount of Choctaw blood did she have? A Well, I don't know that either.
- Q Do you know, in fact, that it was Choctaw Indian blood that she had? A I don't really know, in fact; only the proof that they have got from the Choctaw Indians.
- Q Who do you refer to? A Descendants of Kizziah Thompson have heretofore made application for identification as Mississippi Choctaws and I am informed that their proof shows that Kizziah Thompson, her brother Lawrence Brasher, were possessed of Choctaw Indian blood.
- Q What was Jane's maiden name, do you know? A I don't know, unless it was Lipsic or Black; I think it was Black. I don't know but that I have heard my grand father call his uncle Billy Black, and I knew the Blacks back there in that country.
- Q Where were you living seventy one years ago? A I guess I was living in Alabama, seventy one years ago; I couldn't remember.
- Q What county? A I reckon in Fayette County, or Pickens County, I don't know.
- Q You have no way of arriving at the amount of Choctaw blood possessed by you? A No, I haven't none.
- Q Do you know through which one of her parents Jane Brasher got her Choctaw blood? A No, I don't know that.
- Q Did Jane look like an Indian? A She was a deal spare made, dark skin, black haired woman.
- Q When did she come to Mississippi? A She in forty one or forty two; grand daddy died in forty one.
- Q She lived in Alabama where you did, before she came to Mississippi, did she? A Yes, she lived there.
- Q Are you married? A Yes, sir.
- Q Wife living? A Yes, sir.
- Q Has she any Choctaw blood? A None that I know of. I reckon not.
- Q You make no claim for her? A No, sir.
- Q What's her name? A Sarah E.
- Q Have you ever been married more than once? A No, sir.
- Q Has she? A No.
- Q Have you any children under age? A No, sir.
- Q How many children have you of age who are living? A Just got four living.
- Q Some of them here to-day? A Yes, sir, my daughter here.

In connection with any application which may be made by any of your children, it will be necessary that the Commis-

Miles G. Lantrip, 4.

sion be furnished with proper evidence of your marriage to your wife, Sarah E.

Q Were you married to her under a license? A Oh! yes.
Q When? A In '52, I believe.
Q Where? A In Calhoun County, where I live.
Q Who married you? A Colonel Brasher.
Q What was his official position at that time? A He was supervisor.
Q By virtue of his office, he had the right to perform marriage ceremonies? A Oh! yes.
Q Have you your marriage license and certificate with you at this time? A No, I haven't got it.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Sarah E. Lantrip.

Q Have you any evidence of the marriage of Colonel Lawrence Brasher and your mother's mother? A No, I don't where they were married.
Q How long did they lived together as man and wife? A I don't know that; a good while.
Q How many children were born to them? A Six, I reckon.
Q Did they live together until one or the other of them died? A Lived together until she got burnt and had fits.
Q This application is for yourself only, is it? A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, I reckon not.
Q Has any application of any description ever been made for you before to-day looking to the establishment of your rights as a Choctaw Indian? A None at all.
Q This is the first application of any kind that has ever been made for you? A Yes, sir, first applicatinn.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A I reckon that's it.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, I don't understand it.

This treaty was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty of Dancing Rabbit Creek was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of these Indians were unwilling to leave this country, and for the benefit of those who insisted upon remaining here what is known as the 14th article was put in the

Miles G. Lantrip, 5.

treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi, might receive land here in Mississippi from the Government of the United States. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you article 14 of the treaty of Dancing Rabbit Creek. Do you understand it? A Yes, I sorter understand it.

I will try and explain it to you, so you will understand it. If a Choctaw who lived here seventy one years ago, preferred to stay here in Mississippi and not move out to the new nation west of the Mississippi River, he was entitled to take land upon certain conditions. First provision of that 14th article was that he should, within six months after the treaty was ratified, and the treaty was ratified on the 24th day of February, 1831, let the agent of the Government here in Mississippi for the Choctaws know that he wanted to stay here and become a citizens of the States. The Government had an agent here in 1831 for the purpose of enabling these Choctaws to notify the Government through an agent, of their intention to stay here. The Choctaw was then entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, and for each child in his family over ten years of age, on the 27th day of September, 1830, the day the treaty was made, he was entitled to a reservation of one half section, or three hundred and twenty acres of land, and for each child in his family under ten years of age at that time, he was entitled to a reservation of one quarter section, or one hundred and sixty acres. Now, the reservations for these children were required by that 14th article to adjoin the location of the parent; and the reservations ~~for~~ were required by that article to include the improvement of the parent as it existed on the 27th day of September, 1830, the day the treaty was made. Now, if these Indians lived on that land intending to become

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citizens of the States for five years after the treaty was ratified, that is, five years from February 24, 1831, in that case they were entitled to a grant in fee simple for the land; that is, the Government would give them a deed to the land, and the land would become the property of the Indian to dispose of at his pleasure. That 14th article provided further that persons who claimed under that article should not lose the privilege of a Choctaw citizen, but if they ever removed, that is, if they ever went out to the new nation west of the Mississippi River, they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid each year to the Indians by the Government under treaty stipulations.

Q Now, did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever receive any benefits under that article? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know; I reckon grand father did at Demopolis, Alabama I don't know; he lived there.

Q What County is that in? A Maringo.

Q How far is it from the Tom Bigbee River? A On the Tom Bigbee River.

Q On the other side of the river or this side? A On this side, I think, I don't know that.

Q What makes you think your grand father owned an improvement here then? A He lived there, that's all.

Q You refer to Lawrence Brasher? A Yes sir, that's all the grounds I have got, because I don't know.

Q Did your mother live there at that time? A Oh! yes, she was raised there.

Q Did she own an improvement then? A Not that I know of. She was raised there and married there.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not that I know anything about.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land?

Q Not that I know of; I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, I don't know that. I have heard my grand father speak about scrips and warrants, but I don't know what that was.

Q If any of your people ever received any land from the Government under this 14th article of the treaty of Dancing Rabbit Creek, then, you never heard of it? A No, I never heard of it.

Q Well, its likely you would have heard of it if they had ever got any land? A I was small then.

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- Q Did any of your people ever get any money from the Government?
A None that I know of.
Q None of them ever got any land anywhere from the Government?
A Not that I know anything about.
Q Did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A None that I know about.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under that article. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were appointed by the president of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A None that I know of.
Q Did you ever hear of these commissions being down here fifty and sixty years ago? A No, sir, I don't know nothing about them.

An Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government under this Act of Congress? A Not that I know of. I have heard my grand father speak about his land warrants, but how he

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got it, I don't know.

Q You ~~are~~ talking about Lawrence Brasher? A Yes, sir, Colonel Brasher.

Q You say you have heard him speak of land scrip? A Yes, and his land warrants, but I don't know.

Q Did you ever see those warrants? A No, I never seen them.

Q You don't know what they were at all? A No, I don't know now.

Q What did you ever hear him say about them? A I just heard him speak of his land warrants and scrip; I suppose they were old revolutionary scrips, or something of that kind, but I don't know that.

Q Do you know whether any of that scrip - any of these warrants - are in existence now? A No, I don't know.

Q Did he ever tell you where he got the warrants or the scrip?

A No, sir, I just merely heard him say he had them - speak of them.

Q Did he or your mother ever own any land here in Mississippi? A Which, Colonel Brasher?

Q Yes? A Oh! yes, he owned land.

Q Where? A Down in Calhoun County.

Q How did he get that land? A He entered it.

Q Homesteaded it? A Yes, entered it from the Government.

Q You are sure he didn't get it under this treaty? A No, I don't reckon he did; he entered the land in 1850.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treat of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, I don't know.

Q Do you know of the existence of any written evidence of any description which prove or tend to prove such a state of facts?

A No, I don't know that.

Q Have you any written evidence of any kind to offer at this time?

A None at all.

Q Have you any witnesses here to-day? A Yes, sir, I have a witness to prove that I am of the blood.

Q How many witnesses have you? A Both of these men.

Q What are their names? A Charles Murphy, and John T. McComie.

Q You expect to prove by them simply that you are a lineal descendant of Lawrence Brasher? A Yes, sir, of Kizziah Thompson, either one, they were brother and sister.

Q They don't know whether any of your ancestors ever complied or attempted to comply with the treaty provisions, or not, do they?

A I don't know whether they do or not.

Q Are there any further statements you want to make at this time in support of your application? A No, none that I know of.

Q

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q How many children have you living? A Four.

Q What are their names? A Malena Paralee Covington.

Q Where does she live? A She lives in Calhoun County.

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- Q Is she here to-day? A No.
- Q Has she been before the Commission? A No, sir.
- Q What's the name of the next one of your children? A Mary P. Phillips.
- Q Is she here to-day? A Yes, sir.
- Q Next one? A A boy Emma Cook.
- Q Where does she live? A She lives there; all live close together.
- Q Has she been before the Commission? A No.
- Q Next one? A Marquis D. LaFayette.
- Q Has he been before the Commission? A No, sir.
- Q That's all of your children is it? A Yes, sir.
- Q How many children have you dead? A Four.
- Q How many of them left children? A One.
- Q What was the name of your child who left children? A John E.
- Q Are any of those children living? A Yes, sir, three of them living.
- Q What are the names of those three children? A Doctor I. Lantrip.
- Q Next one? A James E.
- Q Next one? A Albert.
- Q The oldest one is of age, and here to-day? A Yes, sir, he is here.
- Q With whom do the others live? A With their mother and step-father.
- Q What is their mother's name? A Katie Hill.
- Q Has any application been made for these two children? A None whatever.
- Q Have you any brothers living? A One.
- Q What is his name? A Lawrence W. Lantrip.
- Q Where does he live? A He lives in Cass County, Texas.
- Q Has he made application to the Commission? A No, I reckon not; I don't know.
- Q Have you any sisters living? A Yes, sir, one in Texas and one here.
- Q What are their names? A Sarah Ann Elizabeth Collums.
- Q Where does she live? A At Dexter Texas, Cook County.
- Q What's the name of the next one of your sisters? A Rena C. Brasher.
- Q Where does she live? A She lives down in Calhoun County.
- Q Has she been before the Commission? A No, sir, she's never been; these are her sons here.
- Q Is her husband any relation to her? A I don't know; he is kin to Colonel Brasher.
- Q Now, have you any brothers dead? A Yes, sir.
- Q How many? A One.
- Q What was his name? A Ensley.
- Q Did he leave descendants? A No, sir, he died young.
- Q Have you any sisters dead? A Yes, sir, I have one died when a child.
- Q Now, did your mother ever have any brothers or sisters? A Oh! yes, she had --
- Q How many brothers did she have? A She had four.
- Q Are any of them living? A Nary one of them.
- Q Did any of them leave descendants? A Oh! yes, they left children, at least, three of them.
- Q What was the name of the oldest one who left descendants? A Henry Brasher.
- Q How many children did he leave? A Left one.
- Q Is that child living now? A Yes.
- Q

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- Q What's the name of that child? A John Henry Brasher.
- Q Where does he live? A He lives down there in Calhoun County.
- Q What's the name of the next one of your mother's brothers that's a dead and who left descendants? A His name was William E. Brasher.
- Q How many children did he leave? A I would have to study - he has got, I don't believe there is only one, John, living, three or four dead.
- Q John - where does he live? A He lives down there about in Calhoun County, Mississippi.
- Q What's Margaret's married name? A Sherman.
- Q Where does she live? A In the same section of the country.
- Q Did any of these children who are now dead, leave descendants? A Oh! yes, sir, Fannie left children.
- Q Fannie who? A She married a Lantrip.
- Q Are any of these children living now? A Yes, three.
- Q What are their names? A I don't know, I can't recollect.
- Q Did any other of them leave children? A Yes.
- Q Who left children? A She is living though in Texas.
- Q Who is she married to? A She is married to Collums.
- Q Did any other of these children leave children? A Not that I can recollect.
- Q According to your statement, there is one brother of your mother who died and who left children. What was his name? A His name was James Seaborn.
- Q How many children did he leave? A He left three.
- Q Are these children living now? A Oh! yes, they are all three living.
- Q Where? A They are all living there in Calhoun County, Mississippi.
- Q What are their names? A Sarah.
- Q Is she married? A Yes.
- Q What's her husband's name? A Basley.
- Q Next one? A Susan Murphy and Luvanda Johnson.
- Q Have any of them been before the Commission? A No, sir.
- Q Did your mother ever have any sisters? A Oh! yes.
- Q How many? A Only one.
- Q What was that sister's name? A Mandy.
- Q Did she leave children? A Yes, sir, she left a lot of children, Mandy Collums.
- Q Are any of her children living now? A Yes.
- Q How many? A Three.
- Q What are their names? A One is Obediah Collums, and one Henry S. Collums.
- Q Next one? A AL L. Collums.
- Q What does that "A" stand for? A I don't know.
- Q Now, are any of the brothers or sisters of these three children dead who left children? A Mandy Collums.
- Q Yes, you have given the names of three who are living. Have they any brothers or sisters dead? A Yes, got brothers and sisters both dead.
- Q Did any of these brothers or sisters leave children? A Their sisters left children.
- Q What was her name? A Her name was Artemissy Murphy.
- Q How many of her children are living? A I don't think but one.
- Q What is that child's name? A I don't know.
- Q Now, you have given us the names of all of the living descendants of your mother's brothers and sisters have you? A As I can remember.
- Q

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- Q How many brothers did Lawrence Brasher, your mother's father, have? A Never had - - well, he had two.
- Q What were their names? A I don't know; one died when it was small; the other is named James; he was deaf and dumb.
- Q Did he leave any descendants? A No, he never married.
- Q Now, how many sisters did Lawrence Brasher have? A Had six.
- Q Do you remember their names? A Yes, sir.
- Q Give us their names? A Well, I can't - I can give you Aunt Betsey Dumas.
- Q Is she living? A No, no. Too old, I reckon; they are in Texas; I don't know; aint none of them living, I don't expect; I don't know. Well, Aunt Peggy Cook.
- Q Next one? A Nellie Lampkins.
- Q What's the next one after her? A Rachel Chrestman.
- Q Next one? A Aunt Polly Miller.
- Q Next one? A Aunt Kizziah Thompson.
- Q That makes the six? A That's Colonel Lawrence Brasher's sisters.
- Q Do you know the names of the children of these six sisters of Lawrence Brasher? A No, I don't know all of them. They are all dead and gone, and the others is dead.
- Q Are any of these children of any o f these sisters of Lawrence Brasher living to your knowledge? A Yes, Dumas boys; two of them come out here.
- Q Is that all you know? A That all I know, of the children of any of these six women, who are living. That's all of those Dumas; I might think of some of the others, but I don't know that there are any of them living. I don't think of any of them that's living; I just called these two Dumas.
- Q You don't speak or understand the Choctaw language, do you Mr. Lantrip? A No.
- Q Did your mother? A My mother could talk it; all of these children once could talk it, a little.
- Q Just state a few words? A Yes. When I first remember, I heard them speak of it.

(This applicant has the appearance of being a white man and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

(Applicant excused.)

John T. McComie, having been first called and sworn, as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission:

- Q What is your name? A John T. McComie.
- Q How old are you Mr. McComie? A I am seventy eight years old, will be the 14th of next month.
- Q What's your post office address? A Banner, Mississippi.
- Q What county? A Calhoun County.
- Q How long have you lived in Calhoun County? A I come to Calhoun

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County in '55 - September. I have been here ever since.

Q Where did you live before that? A I lived - I would like to make a statement about when I come to Mississippi. I come to Mississippi in '43 - landed in Mississippi - I landed in Chickasaw County; I stayed here until '48, and went back to Alabama, and stayed there until '55, and when I come back to Mississippi, Calhoun County was a new county, and was organized when I come back, but I stayed in Calhoun County, and been in there ever since.

Q Where were you born? A I was born in Henry County, in the State of Georgia.

Q Come from there to Alabama? A Yes, sir.

A From Alabama to Mississippi? A Yes, sir.

Q Have you any Indian blood? A No, sir.

Q You are not an applicant before this Commission? A No, sir.

Q What is your occupation? A Well, sir, I am originally a farmer; I have been in business now for - I have been afflicted a long time - aint able to perform manual labor, but I have been in some position that sorter kept me up.

Q Are you acquainted with the applicant, Miles G. Lantrip? A Yes, sir.

Q Who has just appeared before the Commission? A Yes, sir.

Q Are you any kin to him? A Only by marriage, sir. My wife and his mother were own cousins.

Q Your wife and this applicant's mother were own cousins? A Yes, sir.

Q How long have you known Mr. Lantrip? A I have known him from my recollection. I come to Chickasaw County in '43, and in '44, I got acquainted with his father; I think he was a small boy then at that time; I have been acquainted with him personally ever since, we lived in the same settlement, and went to the same town for food and everything of the kind.

Q What was his father's name? A John Lantrip.

Q Did you know his mother? A Yes, sir.

Q What was her name? A Elizabeth Lantrip; her maiden name was Elizabeth Brasher.

Q How old would she be if she were living now? A Well, sir, I couldn't tell you.

Q How much older than was she than you? A I the don't think she was as old as I was at that time.

Q If she were living now she would be older than you? A No, sir, I don't think she would.

Q Well, this man claims to be seventy three years old? A Yes, I understand your question now; she would be older than I, but I don't recollect when she was born, and I don't recollect her age.

Q Did you meet her when you met him first? A My recollection is I did. The first time I ever saw Mr. Lantrip, I come from Houston, Mississippi, up to where they are living now and passed Mr. Lantrip's house; the first time I ever saw the family.

Q Did his mother have any Choctaw blood? A I don't know, sir.

Q Did his father have any? A I don't know that either.

Q Do you know the name of Elizabeth's father? A Colonel Lawrence Brasher.

Q You were acquainted with him? A Yes, sir, personally acquainted with him.

Q What was Elizabeth's mother's name? A I don't recollect what her name was, from the fact that I never saw her.

Q Did Lawrence Brasher have any Choctaw blood? A I don't know, sir.

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sir.

Q Do you know the names of his parents? A I do not.

Q When did Lawrence Brasher come to the State of Mississippi, if you know? A I don't know; I wasn't here; he was here when I come here. He was in Chickasaw County when I first come here.

Q Could he speak the Choctaw language? A Not that I know of.

Q Could Elizabeth? A I don't think she could; if she did, I didn't hear her.

Q Do you now where Lawrence Brasher was born? A No, sir.

Q Do you know where he lived before he came to Mississippi? A Only from hearsay.

Q Where did you hear that he lived? A I heard that he came from Kentucky and moved to Maringe County, Alabama.

Q And from there to Mississippi? A From there back to - he lived in Fayette County, Alabama, and then he moved from there to this State.

Q You know nothing of his residence prior to your coming to Mississippi, except from hearsay? A No, sir, I will make this statement about that. There was a large family of Brashers in Alabama; my brother married a Brasher, an own cousin to Colonel Brasher; I came with my brother; I wasn't -- in forty three. Its been a good while ago. We come to Houston, Mississippi, Chickasaw County, and that was the first time I ever saw Colonel Brasher, but I have heard my brother's wife and my brother speak about the Brashers in Alabama, but I never saw Colonel Brasher until I saw him in Chickasaw County.

Q You have some children who will appear before the Commission? A My sons has been to this place this week, but then I don't know what he done.

Q What's his name? A Henry S. McComie.

Q Your wife was what relation to Colonel L. Brasher? A He was he uncle. Colonel Brasher's sister was my wife's mother.

Q What was the name of this sister of Colonel Brasher? A Rachel Chrestman.

Q What was your wife's name? A She was name Mary Ann Chrestman.

Q How long has she been dead? A She's been dead about fifteen years as near as I can recollect.

Q Was she older or younger than you? A She was younger.

How much? A I suppose she was fifteen or twenty years younger than me. I don't know exactly her age.

Q Do you know whether any of the ancestors of Miles G. Lantrip ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know whether any of the ancestors of your wife did? A I do not.

Q You are thoroughly familiar with this 14th article? A Yes, sir.

Q Anything further you want to say in this matter? A No, sir, I believe there is nothing else that would be essential.

(This witness is a white man of average intelligence.)

(Witness ~~saw~~ excused.)

Charles E. Murphy, having been first duly sworn as a witness on behalf of the above named applicant, upon his oath testified as follows:

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Examination by the Commission.

- Q What is your name? A Charles E. Murphy.
- Q How old are you, Mr. Murphy? A Seventy five years old the 11th day of last January.
- Q What is your post office address? A Reid, Mississippi.
- Q What county? A Calhoun County.
- Q How long have you lived there in Calhoun County? A I have lived there for sixty years; I have been moved out five or six years and come back.
- Q Have you any Indian blood? A Not that I knew of.
- Q What's your occupation? A Well, just most anything that you would call; I run a farm, been in public office a heap of my life. I have held office between thirty and forty years of my life.
- Q Now, are you acquainted with the applicant, Miles G. Lantrip?
- A Yes, sir, I have known him fer about sixty one years.
- Q Are you any kin to him? A Not a bit; never was.
- Q Are you interested in any way in the result of his application?
- A Not a bit; no interest whatever.
- Q Has he any Choctaw blood? A I can't tell you that fer I don't know.
- Q Were you acquainted with his parents? A Yes, sir, I was.
- Q What was his mother's name? A They always called her Betsey Lantrip.
- Q What was his father's name? A Jehn.
- Q Did either of Miles' parents have Choctaw blood? A I don't know, sir, of my own knowledge; I have heard it, but I don't know it.
- Q Which one did you hear had Choctaw blood? A Old grand mother Brasher - old Colonel Brasher's first wife.
- Q Which one of this applicant's parents? A His mother was a Brasher.
- Q Did you ever hear how much Choctaw blood she had? A No, never did.
- Q What was her father's name? A Colonel L. Brasher, signed his name just that way.
- Q What does that "L" stand fer? A Lawrence.
- Q Did he have Choctaw blood? A I don't know that, sir; I never knew him until he come to Mississippi; I was acquainted with him about sixty years.
- Q Where, then, did Elizabeth Lantrip get her Choctaw blood? A It must have come from the Brasher family; her grand mother, I suppose.
- Q Lawrence Brasher's mother? A Yes, sir.
- Q Did you know her? A I did.
- Q What was her name? A I think they called her Jane; we always called her grand mother Brasher.
- Q Do you know how much Choctaw blood she had? A No, I don't know, but her looks and all would show that she had some in her; I went state that there was.
- Q You wouldn't say that she had Choctaw blood? A No, sir, I couldn't say.
- Q When did these people come to Mississippi? A They come to Mississippi, I reckon, about '61, I think it was; no, 1831; I think it was about that.
- Q From where? A I think they always claimed they come here from Pickens County, Alabama; I have heard them speak of it.
- Q These people have lived here ever since that time? A Yes, sir, a powerful train of them.
- Q Was Lawrence Brasher and the mother of Elizabeth Lantrip lawfully married? A I suppose they was; he claimed her as his daughter, and

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she claimed him as her father, and it was just like anybody else in the country that I don't know that's married. I guess they were married; I feel satisfied they was, but you see I wasn't there, I don't know.

Q How long did Lawrence and the mother of Elizabeth Lantrip live together as man and wife? A A long time; they raised a family.

Q Did they live together until one or the other died? A Oh! yes, sir, they did.

Q Do you know anything about the marriage of this applicant and his wife? A I might near know it; I was asked to the infair, but didn't go, and I heard Colonel Brasher say this man's father married them, and that I ought to have been, they had a fine dinner there.

Q About when was that? A I don't know; it's been a good long time back. Its been back, I should say, between fifty five and sixty years, to the best of my knowledge.

Q Where were they married? A They was married right where he lives in Calhoun County; I think it was Chickasaw then. He has lived with his wife until yet.

Q Do you know whether any of the ancestors of this applicant ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A All I know about that, and I don't know what that was, old Colonel Brasher drew a land warrant away back yonder for something, but I can't tell you what it was. I think it called for eighty acres of land; at most all of the old men who lived in them days drew land warrants.

Q For what purpose? A For some purpose, I don't recollect - if they had been old soldiers in the war, and I don't recollect for what purpose, and I know he made an application and drew a land warrant.

Q When was it that he got that land warrant? A It's been, I will say, fifty years ago - must have been.

Q Do you know where he got the land? A Most all of the old men that drew the land warrants they sold them to a Dutchman in Houston, I don't know what he ever done with it.

Q You don't know that this warrant was received on account of his Indian blood? A No, sir, I don't know that. I know he drew the land warrant, and most all of the old men did.

Q Not necessarily the Indians? A I just supposed it was because they had been old soldiers.

Q He was a revolutionary soldier, was he? A No, he weren't a revolutionary soldier, I don't think, but he was in some war.

Q You don't know whether he or any other of the ancestors of this applicant ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under it? A I don't know; my mind was never called to it; I never looked into and never had any interest in it.

Q Are there any further statements you care to make in support of this application? A No, sir, if there was any more questions you want to ask me, I am ready to answer them.

Q Mr. Lantrip, are there any further questions you want me to ask this witness?

By Mr. Lantrip? A No.

By Commission?

Did Lawrence Brasher have any sisters? A Yes, sir.

Q Do you remember their names? A Yes.

Miles G. Lantrip, 16.

Q Who are they? A Kizziah Thompson, Rachel Chrestman, and Pelly Miller, and then I have heard him speak about another one I never saw.

Q What was her name? A I have forgot.

Q Do you remember any others? A Peggy Ceek.

Q Do you remember any others? A No, I was acquainted with all of them.

Q

(This witness is a white man of average intelligence.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 12th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Philadelphia, Mississippi, this 1st day of March, 1902.

L. B. Mosley
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

Miss. Choc. 4737

Muskogee, Indian Territory, February 26, 1902.

Miles G. Lantrip,
Sarepta, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of the affidavit of B. J. Ivy as to the marriage of Miles G. Lantrip and Sarah E. Christman, on June 29, 1882. The same has been been filed with the record in the matter of your application for identification as a Mississippi Choctaw, but it cannot be accepted as conclusive evidence of such marriage. In the event of your inability to secure a certified copy of the record of such marriage from the Court for the county in which it was celebrated, you should forward the certificate of the Clerk of the Court for said county showing why you cannot procure certified copy of the record. The Commission will then accept the affidavits of two disinterested parties who were present at your marriage as evidence of the same.

Yours truly,

Commissioner in Charge.

Miss. Choc. 4737
and 4739.

Muskogee, Indian Territory, March 21, 1902.

J. H. Ramsey,

Clerk Circuit Court,

Pittsboro, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twelfth instant, inclosing certified copy of marriage license and certificate between J. E. Lantrip and Miss J. C. Stribling, which is offered for filing in support of the application of Isom Lantrip for identification as a Mississippi Choctaw, together with your explanation that Isom Lantrip's mother's maiden name was Stribling and she married J. E. Lantrip, and after his death was married to a man named Hill. You are advised that the discrepancy in names referred to in our former letter was that the name appears in the testimony of Isom Lantrip as "Kate" and in the marriage license and certificate as "J. C." Kindly explain this variance in names.

Receipt is also acknowledged of your certificate to the effect that there are no marriage records in Calhoun County prior to 1876, and it is presumed that this is offered in support of the ap-

J.H.R. 2

applications for identification as Mississippi Choctaws of the children and grandchildren of Miles G. Lantip, and the same has been filed with his application and will receive consideration in the disposition of these cases.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4737.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

**Miles G. Lantrip,
Sarepta, Mississippi.**

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

| | |
|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Creager, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4683 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

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|--------------------------------|---------------|
| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Favis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Diekey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Marget Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamion Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

— am —

Chairman.

Registered.

MCR 4737

COPY.

Muskogee, Indian Territory, January 22, 1906.

Wiles G. Lantrip,
Sarepta, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw is a part.

Respectfully,

Commissioner.

Choctaw MCR 4738

Mary P. Phillips

See MCR 4006

MCR 4738

4738

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 12, 1902.

In the matter of the application of Mary P. Phillips, for the identification of herself and eight minor children, Early E., Esther E., Maud E., Leo R., Myrtle, Leland and Durelle and Rex, as Mississippi Choctaws.

Mary P. Phillips, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Mary P. Phillips.
Q How old are you? A Born in '66.
Q What month A March, 24th.
Q How much Choctaw blood have you? A I don't know that.
Q What's your post office address? A Reid, Calhoun County.
Q How long have you lived up there in Calhoun County? A All my life.
Q Is your father living? A Yes, sir.
Q What's his name? A Miles G. Lantrip.
Q Is he the Miles G. Lantrip who appeared before the Commission before you? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What's her name? A Sarah E.
Q Through which one of your parents do you get your Choctaw blood?
A My father.
Q Your mother has no Choctaw blood? A Not that I know of.
Q You have no idea how much Choctaw blood you have? A No, sir.
Q Do you know, as a matter of fact, that you have Choctaw blood, or is it just Indian blood of some kind? A No, sir.
Q What's the name of your husband? A Thomas J. Phillips.
Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him? A No, sir.
Q How many children have you living for whom you want to make application? A Eight.
Q What are the names and ages of these children? A Early E.
Q How old? A Seventeen.
Q Next one? A Fifteen - Esther E.
Q Next one? A Maud E., thirteen.
Q Next one? A Leo R., ten.
Q Next one? A Myrtle, eight.
Q Next one? A Leland.
Q That's a boy, is it? A Yes, sir.
Q How old? A Six.
Q Next one? A Durelle.
Q Boy or girl? A Boy.
Q How old? A Four.
Q Next one? A Rex
Q That's a boy? A Yes, sir.
Q How old? A One year.
Q That's all, is it? A Yes, sir.
Q Are these children all living with you at this time? A Yes, sir.
Q Are they all the children of yourself and Thomas J. Phillips?
A Yes, sir.

Mary P. Phillips, et al., 2.

Q This application, then, is for yourself and eight minor children, is that correct? A Yes, sir.

Q Is your name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory?

A No, sir.

Q Has any application of any description ever been made before today for yourself or any one of these children, for the purpose of establishing your rights as Choctaw Indians? A No, sir.

Q This is the first application of any kind that has ever been made for you? A Yes, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and eight minor children under article 14 of the Treaty of Dancing Rabbit Creek? A Yes, sir.

Q You understand that 14th article? A Yes, sir, I think I understand it.

Q Heard it explained fully to your father this morning? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A None that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know, sir.

Q Did any of them live here, in fact, at that time - seventy one years ago? A I don't know that.

Q Did any of your ancestors remove from the old Choctaw Nation, in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Or under any other provision in that treaty? A None that I know of.

Q Did any of them ever get any money from the Government? A No, sir, not that I know of.

Q Did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A No, sir.

Q You have heard me explain to your father the causes which brought about the certain Acts of Congress providing for the appointment of commissioners to adjust these claims here between 1837 and 1845?

A Yes, sir.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Did any of them ever get any scrip from the Government under the Act of Congress approved August 23, 1842? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or

Mary P. Phillips, et al., 3.

ever received any benefits thereunder? A No, sir, I don't know.

Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time?

A No, sir.

Q Have you any witnesses here to-day? A None only the ones who testified in my fathers case, Mr. Murphy and Mr. Mc Comie.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission, here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?

A No, sir.

Q You don't speak or understand the Choctaw language? A I do not.

Q Have you any brothers living? A Yes, sir, have one.

Q What's his name? A Marquis LaFayette Lantrip.

Q Have you any sisters living? A Yes, sir.

Q How many? A Two.

Q What are their names? A Malena P. Covington.

Q What's the other one's name? A Emma E. Cook.

(This applicant has the appearance of being a white woman and shows no indication of being possessed of Indian blood; she does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 12th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Philadelphia, Mississippi, this 1st day of March, 1902.

R. S. Streit
L. B. Markey
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

Miss. Choctaw 4738

Maskogee, Indian Territory, April 5, 1902.

Mary P. Phillips,

Reid, Mississippi,

Dear Madam:

Receipt is hereby acknowledged of certified copy of marriage license and certificate between T. J. Phillips and M. P. Lantrip, offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in your case.

Yours truly,

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4736.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

**Mary P. Phillips,
Reid, Mississippi.**

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

| | |
|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Creager, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

| | |
|--------------------------------|---------------|
| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Offie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Doughlass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margrot Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Minda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Chairman.

Registered.

COPY.

MCR 4738

Muskogee, Indian Territory, January 22, 1906.

Mary P. Phillips,
Reid, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws, is a part.

Respectfully,

SIGNED

Commissioner.

1759

No. 4738

For Identification as a Mississippi Choctaw.

Meridian Miss Date FEB 12 1902

Name Mary P. Phillips.

Age 35 Blood Don't know

Post Office, Reid, Miss

Father: Miles J. Landrip S

Mother: Sarah E. Landrip S

Claims through father
husband

Thomas J. Phillips L
no claim for husband

Claims for self

Children:

| | | |
|-----------|----------|--------|
| Early E. | Phillips | 17. |
| Esther E. | " | 15. |
| Maud E. | " | 13. |
| Leo. R | " | 10. |
| Myrtle | " | 8. |
| Leland. | " | (M) 6. |
| Durrelle | " | (M) 4. |
| Rex | " | 1 |

Stenographer

R. S. Street

Choctaw MCR 4739

Isom Lantrip

See MCR 4006

MCR 4739

4739
Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 12, 1902.

In the matter of the application of Isom Lantrip for identification as a Mississippi Choctaw.

Isom Lantrip, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Isom Lantrip.
Q How old are you? A Twenty two.
Q How much Choctaw blood have you? A I don't know.
Q Haven't any idea? A None at all.
Q What's your post office address? A Sarepta, Mississippi.
Q What county? A Calhoun County.
Q How long have you lived there? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A John Lantrip.
Q Is your mother living? A Yes, sir.
Q What was her name? A Katie Hill's her name now.
Q Through which one of your parents did you get your Choctaw blood?
A My father.
Q How much Choctaw blood did he have? A I couldn't tell you.
Q Have no idea? A None whatever.
Q Through which one of his parents did he get his Choctaw blood?
A From his father.
Q Is his father living? A Yes, sir.
Q What's his name? A Miles G. Lantrip.
Q Is he the Miles G. Lantrip who appeared before the Commission here this morning? A Yes, sir.
Q Have you any evidence of the marriage of your father and mother?
A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother for consideration in connection with this case.

- Q Did your father live in Calhoun County, Mississippi, all his life? A No, - yes, I reckon so.
Q Are you married? A No, sir.
Q This application, then, is for yourself only? A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
Q Has any application of any description ever been made for you before to-day for the establishment of your rights as a Choctaw Indian? A None whatever.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A I do.

Isom Lantrip, 2.

Q You understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir, I think I do.

Q You have heard it explained fully to your grand father this morning? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A Not that I ever knowed of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A None as I know of.

Q Were any of them living here at that time? A Not that I know of.

Q Did any of them remove to the new nation west of the Mississippi river at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A I couldn't tell.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Any of them ever get any money from the Government? A I don't know that.

Q So far as you know, none of your ancestors ever received any benefits whatever as Choctaw Indians, is that right? A Yes, sir, I reckon so.

Q You heard the explanation to your father- grand father - of the causes which brought about the certain Acts of Congress providing for the appointment of commissioners to come down here and hear these Choctaw claims under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Did any of your ancestors appear before any of these commissioners down here between the years 1837 and 1845 and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever get any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A I don't know.

Q Don't know? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here? A No, sir, only the ones that testified in my grand father's case.

Q Any further statements you want to make at this time? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, at any time before the 15th of this month, or within a reasonable time there after at the General Office of the

Isom Lantrip, 3.

Commission, in Muskogee, Indian Territory, and their testimony will be taken.

- Q Have you any brothers or sisters living? A Two brothers.
Q What are their names? A Jim and Albert .
Q Where do they live? A They live in Calhoun County.
Q With whom? A With their stepfather, Thomas Hill.
Q And their mother? A Yes, sir.
Q Has any application been made for these children? A None whatever
Q Are they both minors? A Yes, sir.
Q You don't speak or understand the Choctaw language, do you?
A No, sir.

(This applicant has the appearance of being a white man and has light hair, light complexion, and light eyes, and none of the features of an Indian. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he report in full all proceedings had in the above entitled cause on the 12th day of February, 1902, at Meridian, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Philadelphia, Mississippi, this 1st day of March, 1902.

L. B. Mosley
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

Miss. Choc. 4739

Muskogee, Indian Territory, February 26, 1902.

Isom Lantrip,

Sarepta, Mississippi,

Dear Sir:

There is returned you herewith certified copy of marriage license and certificate between J. E. Lantrip and Miss J. C. Stribling, which was received at this office without accompanying letter, presumably for filing in support of your application for identification as a Mississippi Choctaw. It appears from your testimony that your father's name is John Lantrip and your mother's name is Kate Hill. Before the inclosed evidence of marriage can be filed in support of your application it will be necessary that this difference in names be explained.

Should the certified copy of marriage license and certificate returned you herewith not be intended for filing in your case, please return the same, and advise the commission, if possible, in what case it was offered for filing.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4730.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ison Lantrip,

Sarepta, Mississippi.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Ison Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

| | |
|------------------------------------|---------------|
| Thomas H. Hollie, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Creager, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

| | |
|--------------------------------|---------------|
| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Motty Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Doughlass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lanion Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Chairman.

Registered.

COPY.

MCR 4739

Muskogee, Indian Territory, January 22, 1906.

Ison Lantrip,

Sarepta, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw, is a part.

Respectfully,

SIGNED

Commissioner

1760

No. 4739

For Identification as a Mississippi Choctaw.

Meridian Miss

FEB 12 1902

Date

Name

John Lantrip

Age

22

Blood don't know

Post Office,

Sarepta, Miss.

Father:

John Lantrip

Mother:

Kate Hill

Claims through

father

Claims for ...

Children:

Stenographer

R. J. Street

Choctaw MCR 4740

William T. Brasher

See MCR 4006

MCR 4740

4740

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 12, 1902.

In the matter of the application of William T. Brasher for the identification of himself and three minor children, Malt, Vaudy and Cordy, as Mississippi Choctaws.

William T. Brasher, - having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A William T. Brasher.
Q How old are you? A Thirty years old the 6th of February.
Q How much Choctaw blood have you? A I don't know, sir.
Q Haven't you any idea? A No, sir.
Q What's your post office address? A Pitts, Mississippi.
Q What county? A Calhoun County.
Q How long have you lived in Calhoun County? A All my life. I was born there.
Q Is your father living? A Yes, sir.
Q What's his name? A John Brasher.
Q Is your mother living? A Yes, sir.
Q What's her name? A Rena C. Brasher.
Q Through which one of your parents do you get your Choctaw blood?
A Mother.
Q Father has none? A I don't know, sir, whether he does or not.
Q Do you know how much Choctaw blood your mother has? A No, sir.
Q How long has she lived up there in Calhoun County? A Well, I don't know, sir. She has been living there a long time; I don't know how long.
Q How old is she? A She's somewhere in about sixty..
Q Has she ever been before the Commission? A No, sir.
Q Do you know where she was born? A No, sir, I can't give the exact place.
Q What was her maiden name? A Lantrip.
Q Through which one of her parents did she get her Choctaw blood?
Q From her mother.
Q What was her name? A I can't think -- Elizabeth, I believe.
Q Is she living? A No, sir.
Q Are you acquainted with Miles G. Lantrip, who appeared before the Commission here this morning? A Yes, sir.
Q Is he any kin to your mother? A Yes, sir, a brother.
Q Full brother of your mother? A Yes, sir.
Q Are you married? A Yes, sir.
Q Is your wife living? A Yes, sir.
Q Has she any Choctaw blood? A No, sir, not that I know of.
Q What's her name? A Carrie Brasher; she was Carrie Knight.
Q You make no claim for her? A No, sir.
Q Have you been married more than once? A No, sir.
Q Has she? A No, sir.
Q How many children have you living for whom you want to make application? A Three.

William T. Brasher, et al., 2.
Isaiah Brasher, 2.

Q What are their names and ages? A Malty.
Q Is that a boy or girl? A Boy.
Q How old? A Eight years old.
Q Next one? A Vaudy.
Q How old? A Six.
Q Boy or girl? A Girl.
Q Next one? A Cordy.
Q Boy or girl? A Girl.
Q How old? A Three.
Q That all of your children? A Yes, sir.
Q Are these children all living with you at this time? A Yes, sir.
Q Are they all the children of yourself and Carrie Brasher? A Yes, sir.
Q This application, then, is for yourself and three minor children?
A Yes, sir.
Q Were you married to Carrie under a license? A Yes, sir.
Q When? A About '91, I believe.
Q Where? A There close to where I live in Calhoun County.
Q Who married you? A John McComie, this fellow.
Q What official position did he hold? A Member of the Board of Supervisors.
Q Have you your marriage license and certificate with you at this time? A Yes, sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Carrie, for use in connection with the application which you make in behalf of your minor children. This evidence should be furnished within thirty days from this date, if possible.

Q Is your name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory?
A Not that I know of.
Q Has any application of any description ever been made before to-day for yourself or any one of these children, for the purpose of establishing your rights as Choctaw Indians? A No, sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir, I think I do.
Q You heard it fully explained to your uncle, Miles G. Lantrip?
A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A I don't know, sir.
Q Did any of them ever own an improvement here in the old Choctaw Nation, here in Mississippi and Alabama, in 1830, when this treaty was made? A I don't know, sir.
Q Were any of them living here in the old Choctaw Nation seventy one years ago? A I don't know that.
Q Did any of your people remove from the old Choctaw Nation west of the Mississippi River at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?

William T. Brasher, et al., 3.

A I don't know, sir, whether they did or not.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your people ever get any land from the Government to your knowledge? A No, sir.

Q Or any money? A No, sir.

Q You heard the explanation to your uncle as to the causes which brought about the appointment of certain commissioners by the Government between the years 1837 and 1842, did you not? A Yes, sir.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

Q Did any of them ever get any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A No, sir, none only those who have already testified, Mr. McComie and Murphy.

If you should find any other witnesses whose testimony you desire to have taken in support of your application, they may appear before the Commission, here at Meridian, Mississippi, at any time before the 15th of this month, or within a reasonable time thereafter at the General office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time? A No, sir.

Q Have you any brothers or sisters living? A Yes, sir.

Q How many? A Got three brothers living and one sister.

Q What are the names of your brothers? A Seaborn Emley is the oldest one.

Q Is he here to-day? A No, sir, he is not here.

Q What's the name of another brother? A Andy.

Q Is he here to-day? A Yes, sir.

Q What's the name of your other brother? A Robert.

Q Is he here to-day? A Yes, sir.

Q One sister, you say? A Yes, sir.

Q What's the name of your sister? A Neely E.

Q Is she married? A Yes, sir.

Q What's her husband's name? A Greenberry Collins.

Q Have you any brothers or sisters dead? A Yes, sir, got two; one brother and one sister.

William T. Brasher, et al., 4.

- Q Were they grown at the time of their death? A Yes, sir.
Q Neither of them married? A No, sir.
Q And left no descendants, of course? A No, sir, I have got a half sister too.
Q By your mother, or father? A Mother.
Q What's her name? A Sarah Brasher.
Q How old is she? A She is about forty, I expect.
Q Is she married? A Yes, sir.
Q Is that her married name, Brasher? A Yes, sir.
Q What was her maiden name? A Brown.
Q Has she been before the Commission? A No, sir.
Q Have you any other half sisters, or any half brothers? A No, sir, I have one half sister dead.
Q Did she leave descendants? A She was small when she died.

(This applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language. He has light hair and complexion and light eyes.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 12th day of February, 1902, at Meridian, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Philadelphia, Mississippi, this third day of March, 1902.

L. B. Masley
Clerk U.S. Circuit Court,
Southern District of Mississippi.

By *[Signature]*

Deputy.

Miss. Choc.4740

Muskogee, Indian Territory, February 24, 1902.

William T. Brasher,
Pitts, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage certificate of W. T. Brasher and Carrie Knight, which is offered for filing in support of your application for the identification of yourself and your minor children as Mississippi Choctaw, and the same has been made a part of the record in your case.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4740.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

William T. Brasher,
Pitts, Mississippi.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

| | |
|------------------------------------|---------------|
| Thomas H. Hollie, | M. C. R. 4809 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Creager, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

| | |
|--------------------------------|---------------|
| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6842 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vandy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Farris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rabie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leshe, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belya Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Chairman.

Registered.

COPY.

MCR 4740

Muskogee, Indian Territory, January 29, 1906.

William T. Brasher,
Pitts, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws, is a part.

Respectfully,

SIGNED *Tamm*
Commissioner.

#1761

No.

5710

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date FEB 12 1902

Name William J. Brasher

Age 30 Blood dont know

Post Office, Pitto, Miss.

Father: John Brasher L

Mother: Rena C. " L

Claims through mother

wife Carrie Brasher L
no claim for wife

(Claims for 4 or 2 children)

Children:

| | | | |
|-------|---------|-----|---|
| Matty | Brasher | (M) | 8 |
| Baudy | " | (F) | 6 |
| Boody | " | (F) | 3 |

mother's mother

Choctaw MCR 4741

Andy Brasher

See MCR 4006

MCR 4741

4741

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 12, 1902.

In the matter of the application of Andy Brasher for the identification of himself, his wife, Ada, and minor child, William C., as Mississippi Choctaws.

Andy Brasher, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Nady Brasher.
Q How old are you? A Twenty five.
Q How much Choctaw blood have? A I don't know.
Q Have you any idea? A No, sir.
Q What's your post office address? A Sarepta, Mississippi.
Q What county? A Calhoun County.
Q How long have you lived in that county? A I was born there and been there ever since.
Q Is your father living? A Yes, sir.
Q What's his name? A John Brasher.
Q Mother living? A Yes, sir.
Q What's her name? A Rena C. Brasher.
Q Through which one of your parents do you get your Choctaw blood? A Mother.
Q Father has none? A I don't know whether he had or not.
Q How much Choctaw blood do you claim your mother has? A I don't know.
Q Haven't any idea? A No, sir.
Q Are you any relation to William T. Brasher who just appeared before the Commission? A Yes, sir, full brother.
Q What relation is your mother to Miles G. Lantrip, who appeared before the Commission this morning? A Full sister.
Q What's the name of your wife? A Ada.
Q How much Choctaw blood has she? A Same that I have, I reckon.
Q You don't know how much it is? A No, sir.
Q You want to make application for her? A Yes, sir.
Q How old is she? A Twenty three.
Q You are living together now, are you? A Yes, sir.
Q How long has she lived in Calhoun County? A Born there and lived there all her life.
Q Is she any relation to you? A Yes, sir.
Q What? A Third cousins.
Q Is her father living? A Yes, sir.
Q What's his name? A Obediah Collums.
Q Is her mother living? A Yes, sir.
Q What's her name? A Jane Collums.
Q Through which one of her parents does your wife get her Choctaw blood? A Her father.
Q You don't know how much Choctaw blood he has? A No, sir.
Q Has he ever been before the Commission? A No, sir.
Q Where does he live? A In Calhoun County.

Andy Brasher, et al., 2.

Q How long has he lived there? A I don't know; I reckon he was born there.
Q Through which one of his parents did he get his Choctaw blood?
A His mother.
Q What was her name? A Mandy Collums; maiden name was Mandy Brasher.
Q Is she living? A No, sir.
Q How long has she been dead? A She died in '94.
Q About how old was she when she died? A About seventy three or four I reckon.
Q Through which one of her parents did she get her Choctaw blood?
A I don't know.
Q Do you know the name of her father? A Not unless it is Colonel Lawrence Brasher, - I reckon was her father.
Q Do you know the name of her mother? A No, sir.
Q Do you know where Mandy Collums lived during her life time?
A No, sir.
Q You don't know where she was born? A No, sir.
Q Nor when she came to that country? A No, sir.
Q How many children have you? A One.
Q What's the name of that child? A William C.
Q How old is William? A Ten months old.
Q Is he living with you now? A Yes, sir.
Q The children of yourself and Ada? A Yes, sir.
Q Were you married to her under a license? A Yes, sir.
Q When? A The first day of March 1900.
Q Where? A At her father's house in Calhoun County.
Q Who married you? A Supervisor Jake Beasley.
Q Have you your marriage license and certificate with you at this time? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife, Ada, for use in connection with the application which you make in behalf of your minor child. This evidence should be furnished within thirty days from this date, if possible.

Q This application is for yourself, your wife, and one minor child, is that correct? A Yes, sir.
Q Is your name, or your wife's name, on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
Q Has any application of any description ever been made for either of you before to-day looking to the establishment of your rights as Choctaw Indians? A No, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, wife and minor child under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q You understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Did any of your ancestors, ever comply or attempt to comply with the provisions of that article, or ever receive any benefits thereunder? A None that I know of.
Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was

Andy Brasher, et al., 3.

made? A I don't know.

Q Did any of them live here at that time? A I don't know that.

Q Did any of them remove to the new Choctaw Nation west of the Mississippi River at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?

A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Is the same true as to your wife? A Yes, sir.

Q Did you ever hear of any of your ancestors, or any of your wife's ancestors ever having gotten any land here in Mississippi from the Government of the United States? A Not that I know of.

Q Or any money? A No, sir.

Q You heard my explanation to your uncle, Miles G. Lantrip, as to the causes which brought about the certain Acts of Congress between the years 1837 and 1842 and their provisions? A Yes, sir.

Q Did any of your ancestors appear before any of the commissioners appointed under these Acts of Congress and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your wife's ancestors appear before any of these commissions? A No, sir, not that I know of.

Q Did any of your ancestors, or any of your wife's ancestors, ever get any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A Not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors, or any of your wife's ancestors, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir, I don't.

Q Do you know of any written evidence of any kind which would show or tend to show such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A None, sir.

Q Have you any witnesses here to-day? A None but those who testified in my uncle's case.

If you should find any other witnesses whose testimony you desire to have taken in support of your application, they may appear before the Commission here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time? A No, sir.

Q Has your wife any brothers living? A Yes, sir.

Q How many? A Two.

Q What are their names? A Albert Collums and Elmer Collums.

Q Has your wife any sisters living? A Yes, sir.

Q What's her name? A Dottie.

Andy Brasher, et al., 4.

Q Have any of them been before the Commission? A No, sir. She has got two half brothers and half sisters.

Q What are their names? A The oldest one is named Silas; next one is named Wesley B. Collums; the girl's name is Mary.

Q Is she married? A Yes, sir, she married a Collums.

Q Has your wife's father any brothers or sisters living? A Yes, sir, two brothers.

Q What are their names? A One named Greenberry Collums.

Q The other one? A Abner L. Collums.

Q Has he any sisters living? A No, sir.

Q You don't speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood. He has light hair, light complexion, and light eyes, and has none of the features of an Indian. He does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 12th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Philadelphia, Mississippi, this 3rd day of March, 1902.

R. S. Streit
L. B. Massey
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

Miss. Choc. 4741

Muskogee, Indian Territory, February 24, 1902.

Andy Brasher,

Sarepta, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage certificate between A. Brasher and Ada Collums, offered for filing in support of your application for the identification of yourself, your wife and your minor child as Mississippi Choctaws.

The same has been made a part of the record in your case.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4741.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Andy Brasher,

Sarepta, Mississippi.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

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| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4811 |
| Lawrence W. Hollis, et al., | M. C. R. 4810 |
| Minnie H. Nicolds, et al., | M. C. R. 4812 |
| Mary C. McLeod, et al., | M. C. R. 4813 |
| Hattie E. Andrews, et al., | M. C. R. 4814 |
| Charlie T. Skinner, et al., | M. C. R. 4815 |

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|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Creager, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

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| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Enma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, I-om Lantrip, William T. Brasher, Maltz Brasher, Vandy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudin May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Olie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Janie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margaret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Monnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathlene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Enma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie I. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

GNEC).

Chairman

Registered.

COPY.

MCR 4741

Muskogee, Indian Territory, January 22, 1906.

Andy Brasher,

Sarepta, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and family as Mississippi Choctaws, is a part.

Respectfully,

SIGNED

Commissioner.

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

FEB 12 1902

Name *Windy Brasher*

Age *25*

Blood *don't know*

Post Office, *Sarepta, Miss.*

Father: *John Brasher*

L

Mother: *Rena C. "*

L

Claims through *mother.*

Wife *Ada Brasher* (*don't know*) *23*

Father *Obediah Collins*

L

Mother *Jane*

L

Wife claims through *father.*

Claim a for *self, wife & children.*

Children:

William C. Brasher *10mo*

father's mother *Mary Collins nee Brasher*

Stenographer

R. L. Street

Choctaw MCR 4742

Robert L. Brasher.

See MCR 4006

MCR 4742

4742

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 12, 1902.

In the matter of the application of Robert L. Brasher for identification as a Mississippi Choctaw.

Robert L. Brasher, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Robert L. Brasher.
- Q How old are you? A Twenty one.
- Q How much Choctaw blood have you? A I don't know, sir.
- Q Have you any idea? A No, sir.
- Q Do you know that you have any Choctaw blood? A No, sir, no more than the rest.
- Q What's your post office address? A Pitts, Mississippi.
- Q What county? A Calhoun County.
- Q How long have you lived in Calhoun County? A All my life.
- Q Father living? A Yes, sir.
- Q What's his name? A John Brasher.
- Q Mother living? A Yes, sir.
- Q What's her name? A Rena C.
- Q Through which one of your parents do you get your Choctaw blood? A Mother.
- Q How much Choctaw blood as your mother? A I don't know.
- Q Through which one of her parents did she get her Choctaw blood? A Mother.
- Q What was her name? A Elisabeth Lantrip.
- Q Is your mother any relation to Miles G. Lantrip? A Yes, sir.
- Q What? A Full sister.
- Q What relation are you to Andy Brasher, who just appeared before the Commission? A Full brother.
- Q Are you married? A No, sir.
- Q This application, then, is for yourself only, is it? A Yes, sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Has any application ever been made of any description before to-day, looking to the establishment of your rights as a Choctaw Indian? A No, sir.
- Q This is the first application of any kind ever made for you? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q You have heard it explained this morning to your uncle, Miles G. Lantrip? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A Not as I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in 1830, when this treaty was made?

Robert L. Brasher, 2.

A I don't know.

Q Did any of them live here in the old Choctaw Nation at that time? A I don't know, sir, whether they did or not.

Q Did any of your ancestors remove from the old Choctaw Nation out west of the Mississippi at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not that I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here and become citizens of the States and take land? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

Q Or under any other provision in that treaty? A No, sir, I suppose not.

Q Did any of them ever get any money from the Government? A No, sir, I suppose not.

Q You heard my explanation to your uncle, Miles G. Lantrip as to the causes which brought about the enactment of certain laws by Congress between the years 1837 and 1842, and the provisions of those laws? A Yes, sir.

Q Did any of your ancestors appear before any of those commissions appointed under these Acts of Congress and attempt to establish their rights as Under article 14 of the treaty of Dancing Rabbit Creek?

A Not as I know of.

Q Did any of them ever get any scrip from the Government of the United States under the Act of Congress approved August 23, 1842?

A I don't know, sir.

Q Did any of your people ever receive any benefits whatever as Choctaw Indians to your knowledge? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any kind which would show or tend to show such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A No, sir, no more than Mr. McComie and Mr. Murphy, who have testified in my uncle's case.

Q

If you should find any other witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before the Commission at any time before the 15th of this month, at Meridian, Mississippi, or within a reasonable time thereafter, at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time? A No, sir.

Q You don't speak or understand the Choctaw language, do you?

A No, sir.

Q Does your mother? A No, sir, I don't suppose she does.

(This applicant has the appearance of being a white man,

Robert L. Brasher, et al., 3.

and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language. He has light hair, light complexion, and light eyes.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission, to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 12th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Philadelphia, Mississippi, this 3rd day of March, 1902.

A. S. Streit
L. B. Mosely
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *M. W.*

Deputy.

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4742.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Robert L. Brasher,
Pitta, Mississippi.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5657 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

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|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Creager, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

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| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missienah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collins, James S. Collins, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Muck O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamson Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winhie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James D. Smith

Chairman.

Registered.

COPY.

MCR 4742

Muskogee, Indian Territory, January 22, 1906.

Robert L. Brasher,
Pitts, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself as a Mississippi Choctaw is a part.

Respectfully,

SIGNED

Commissioner.

Meridian Miss FEB 12 1902

Date

Name Robert L. Brasher

Age 21

Blood don't know=

Post Office, Pitts, Miss.

Father: John Brasher L

Mother: Rena C. " L

Claims through mother.

Claims for self only.

Children:

Stenographer

R. L. Streib.

Choctaw MCR 4743

- Albert Collins

See MCR 4006

MCR 4743

4743

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 12th, 1902.

In the matter of the application of Albert Collums for the identification of himself alone as a Mississippi Choctaw.

Said Albert Collums, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Albert Collums.
Q How old are you? A Twenty-one years old.
Q How much Choctaw blood have you? A I don't know.
Q Haven't you any idea? A No sir, I have no idea.
Q Do you know, in fact, that you have any? A No sir, I don't know as I do.
Q What makes you think you have? A I have been taught it.
Q Didn't they teach you how much you had? A No sir.
Q What's your postoffice address? A Pitts, Mississippi.
Q What County? A Calhoun.
Q How long have you lived in Calhoun County? A All my life.
Q Is your father living? A Yes sir.
Q What's his name? A Obediah Collums.
Q Is your mother living? A Yes sir.
Q What's her name? A Jane Collums.
Q Through which one of your parents do you get your Choctaw blood? A My father.
Q Has he ever been before the Commission? A No sir.
Q Where does he live? A He lives in Calhoun County.
Q Do you know how much Choctaw blood he has? A No sir.
Q How long has he lived in Calhoun County? A I don't know-I have no idea how long.
Q Do you know any other place he has ever lived? A No sir.
Q Through which one of his parents did he get his Choctaw blood? A His mother..
Q What was her name? A Mandy Collums.
Q Through which one of her parents did she get her Choctaw blood? A I don't know.
Q Do you know what her father's name was? A No sir, I don't.
Q What relation is your father to Miles G. Lantrip who appeared before the Commission this morning? A Cousin.
Q First cousin? A I don't know.
Q You don't know what relation their mothers were? A No sir.
Q Did you ever hear of any of your people living anywhere except in Calhoun County? A No sir.
Q Are you married? A No sir.
Q This application, then, is for yourself only, is it? A Yes sir.
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
Q Has any application of any description ever been made for you before today looking to the establishment of your rights as a Choctaw Indian? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q You understand that 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes sir, I think I do.

- Q You heard it explained fully to Miles G. Lantrip? A yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits thereunder? A No sir.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.
- Q Did any of them live here at that time? A I don't know whether they did or not.
- Q Did any of them move to the new Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not that I know of.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know they they wanted to stay here in Mississippi and become citizens of the States and take land? A No sir, I reckon not.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A No sir, I reckon not.
- Q Did any of them ever get any land in Mississippi from the Government to your knowledge? A No sir.
- Q Did any of them ever get any money from the Government? A Not that I know of.
- Q You heard me explain to Mr. Lantrip this morning the causes which brought about certain acts of Congress approved between the years 1837 and 1842 and their provisions, didn't you? A Yes sir.
- Q Did any of your ancestors appear before any of these Commissioners appointed under these acts of Congress and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.
- Q Did any of them ever get any scrip from the Government under the act of Congress approved August 23, 1842? A Not that I know anything about.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A None except the two witnesses who testified in Mr. Lantrip's case this morning, Mr. Murphy and Mr. McComie.
- Q Have you any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir, I have not.
- Q Have you any written evidence to offer at this time? A No sir.
- Q Any witnesses? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 16th of this month or within a reasonable time thereafter at Muskegee, Indian Territory, and their testimony will be taken.

Albert Collins--3

Q Are there any further statements you want to make at this time?
A No sir, I believe not.
Q What relation are you to Ada Brasher, the wife of Andy Brasher?
A A full brother.
Q How many brothers have you living? A Just one.
Q What's his name? A Elmer.
Q Have you any other sisters living? A Yes sir, I've got one.
Q What's her name? A Dottie.
Q Is she married? A No sir.
Q You don't speak or understand the Choctaw language, do you? A No sir.

This applicant has light hair-light complexion and light eyes-shows no indications of being possessed of Indian blood-his features are not those of an Indian-he does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 12th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 4th day of March, 1902,
at Philadelphia, Mississippi.

L. B. Mosely
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4743.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Albert Collums,

Pitta, Mississippi.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

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|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Amnon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Creager, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

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| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vie Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Paris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leshe, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belya Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Misseniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Chairman.

Registered.

COPY.

MCR 4743

Muskogee, Indian Territory, January 22, 1906.

Albert Collums,
Pitta, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 8, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 18, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED

Commissioner.

No. 4743

Identification as a Mississippi Choctaw.

Meridian Miss

Date

FEB 12 1902

Name

Albert Collums

Age

21

Blood

don't know

Post Office,

Pitts, Miss

Father:

Obdiah Collums L

Mother:

Jane

"

L

Claims through

father

Ch...

Children:

Stenographer

J. S. Niles

Choctaw MCR 4744

James S. Collums

See MCR 4006

MCR 4744

4744

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 12th, 1902.

In the matter of the application of James S. Collums for the identification of himself alone as a Mississippi Choctaw.

Said James S. Collums, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A James S. Collums.
Q How old are you? A Twenty-six years old.
Q How much Choctaw blood have you? A I don't know, sir.
Q Have you any idea? A No sir.
Q Didn't you ever hear how much you had? A No sir.
Q What is your postoffice address? A Pitts.
Q What County? A Calhoun County.
Q How long have you lived in Calhoun County, Mississippi? A I was born and raised there.
Q Is your father living? A yes sir.
Q What's his name? A Henry Collums/
Q Is your mother living? A yes sir.
Q What's her name? A Catherine.
Q Through which one of your parents do you get your Choctaw blood?
A My daddy.
Q Has he been before the Commission? A No sir.
Q Where does he live? A He lives in Calhoun.
Q About how old is he? A He will be sixty-five years old next August.
Q Are your father and mother living together? A yes sir.
Q How long have they been married? A I expect about thirty-five years.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother for use in connection with this application.

- Q Your father got his Choctaw blood through which one of his parents? A His mother.
Q What was her name? A Mandy Collums.
Q What was her maiden name? A That's all I ever knew-she was a Brasher before she married.
Q Do you know what her father's name was? A Col. Brasher.
Q What was his first name? A I don't recollect.
Q What relation is your father to Obediah Collums? A Brothers.
Q Full brothers? A Yes sir.
Q How long has your father lived up there in Calhoun County? A He's been living there about forty-five or fifty years.
Q Where did he live before he went there? A I think they come from Alabama.
Q What part of Alabama? A I don't recollect now.
Q What relation is your father to Miles G. Lantrip who appeared before the Commission this morning? A Cousin.
Q First cousin? A I think so.

James S. Collins--2

Q Their mother's were sisters, were they? A Yes sir.

Q Are you married? A No sir.

Q This application, then, is for yourself only? A Yes sir.

Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.

Q Has any application ever been made before today looking to the establishment of your rights as a Choctaw Indian? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q You understand that 14th article, do you not? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know, sir.

Q Did any of them live here in the old Choctaw Nation at that time? A I don't know whether they did or not.

Q Did any of them remove to the new Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

Q Did any of them ever get any land here in Mississippi from the Government to your knowledge? A No sir.

Q Or any money? A No sir.

Q You heard the explanation made to Miles G. Lantrip as to the causes which brought about certain acts of Congress between the years 1837 and 1842 and the provisions of those acts of Congress, did you not? A Yes sir.

Q Did any of your ancestors appear before any of these Commissioners appointed under these acts of Congress and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them get any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A Not that I know of.

Q As far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q Do you know any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I do not.

Q Do you know of any written evidence of any description which would show or tend to show such a state of facts? A No sir, I don't.

Q Have you any written evidence to offer at this time? A No sir.

Q Have you any witnesses here today? A None except the two witnesses who testified in the case of Miles G. Lantrip.

James S. Collums--3

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time?
A No sir.
Q Have you any brothers living? A yes sir, two.
Q What are their names? A Berry and Andrew Collums.
Q Are they of age? A yes sir.
Q Have they been before the Commission? A No sir.
Q Do they live in Calhoun County? A Yes sir.
Q Have you any sisters living? A yes sir.
Q How many? A Four.
Q What are their names? A Alice.
Q Is she married? A yes sir.
Q What's her married name? A Alice Brasher.
Q Next one? A Annie Crooker.
Q Next one? A Hattie Collums.
Q Next one? A Dessie Collums, the last two aren't married.
Q Have you any brothers or sisters dead who left children? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.

This applicant has light hair-light complexion and light eyes-shows no indications whatever of being possessed of Indian blood. He does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 12th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 4th day of March, 1902, at Meridian, Mississippi.

L. B. Mosely
~~Subscribed and sworn to before me~~
Clerk U. S. Circuit Court, Southern District of Mississippi.

By *[Signature]*

Deputy.

Miss. Choo. 4744

Muskogee, Indian Territory, February 24, 1902

James S. Collins,

Pitts, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage license and certificate between H. G. Collins and Catherine Lautrip, offered in support of your application for identification as a Mississippi Choctaw. The same has been made a part of the record in this case, and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4744.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

James S. Collums,
Pitta, Mississippi.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

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|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Creager, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

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|--------------------------------|---------------|
| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vandy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moima Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenn W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barton, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinky Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Misseniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Chairman

Registered.

COPY.

MCR 4744

Muskogee, Indian Territory, January 22, 1906.

James S. Collums,
Pitts, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED

Commissioner.

1765

No. 4744

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

FEB 12 1902

Name James S. Collums.

Age 26

Blood don't know

Post Office, Pitts, Miss

Father: Henry Collums L

Mother: Catherine " L

Claims through father.

Claims for self only.

Children:

Stenographer

J. S. Siles

Choctaw MCR 4745

Ada Nichols

See MCR 4589

MCR 4745

4745

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 12th, 1902.

In the matter of the application of Ada Nichols for the identification of herself alone as a Mississippi Choctaw.

Said Ada Nichols, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Ada Nichols.
Q How old are you? A Twenty-four.
Q How much Choctaw blood have you? A My father has a quarter.
Q Has your mother any? A No sir.
Q That would make you an eighth? A Yes sir.
Q What's your postoffice address? A Wynot, Mississippi.
Q What County? A Lauderdale.
Q How long have you lived in Lauderdale County? A All my life.
Q Is your father living? A Yes sir.
Q What's his name? A Col. Nichols.
Q Has he any middle initial? A Yes sir, "T".
Q Is your mother living? A Yes sir.
Q What's her name? A Martha.
Q You claim to get your Choctaw blood solely through your father?
A Yes sir.
Q Your father has been before the Commission here this month, has he not? A Yes sir, he was here last week.
Q How long has your father living in this County? A Pretty well all his life.
Q Where did he live before he came here? A He was raised here—he was in Choctaw County a few years.
Q Choctaw County, Alabama? A Yes sir.
Q About how old is your father? A About sixty-six.
Q Are you married? A No sir.
Q This application, then, is for yourself only? A Yes sir.
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to either the Choctaw Tribal authorities or the United States authorities to be admitted or enrolled as a member of that Tribe? A No sir.
Q This, then, is the first application of any kind that has ever been made for you for the purpose of establishing your rights as a Choctaw? A Yes sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get those Indians to move from the country occupied by them

here in Mississippi and Alabama to the new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out west with the Tribe might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand it? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I do not know.

Q Did any of them, in fact, live here 71 years ago when the treaty was made? A I don't know.

Q Did any of your ancestors-your Choctaw ancestors-remove out to the new nation west of the Mississippi River at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.

Q Did any of them ever get any land from the Government here in Mississippi under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever get any land under any other article of that treaty or under the supplement to it? A I don't know.

Ada Nichols---3

Q So far as you know, then, none of your ancestors ever got any land from the Government? A No sir.

Q Did any of them ever get any money from the Government? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and the Commissioners came down here to Mississippi between the years 1837 and 1846 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in the place of the land so sold by the Government, land some place else in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I do not.

Ada Nichols--4

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence of any kind to offer at this time? A No sir.

Q Have you any witnesses here at this time? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian at any time prior to the 15th of this month or within a reasonable time thereafter at Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time? A No sir.

Q What are the names of some of your brothers and sisters? A Florence Perry, Albie Martin.

Q Next one? A Emma Nichols-she isn't married.

Q Is that all your sisters? A I have some small ~~tax~~ sisters.

Q What are the names of your brothers? A Bob Nichols, Barry Nichols, Ed Nichols and Elbert Nichols.

Q They have been before the Commission, have they? A I think all have except Elbert.

Q Your father made application in behalf of the young one, did he not? A I think so.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a white woman-shows no indications of being possessed of Indian blood-she has dark hair-dark eyes and fair complexion-she does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 12th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 4th day of March, 1902, at Philadelphia, Mississippi.

L. B. Mosely
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY

M C R 4745

Muskogee, Indian Territory, July 15, 1908.

Ada Nichols,

Wynot, Mississippi.

Dear Madam:

You are hereby advised that on the 15th day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Colonel T. Nichols, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-----------------------------|------------|
| Colonel T. Nichols, et al., | M C R 4689 |
| Berry A. Nichols, | " 4634 |
| Edward R. Nichols, | " 4635 |
| Robert W. Nichols, et al., | " 4636 |
| Florence Perry et al., | " 4637 |
| Martha A. Martin, et al., | " 4638 |
| Ada Nichols, | " 4745 |

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Colonel T. Nichols, Emma Nichols, Elbert Nichols, Lennie Nichols, Melton Nichols, Nellie May Nichols, Nora Nichols, Perry A. Nichols, Edward N. Nichols, Robert V. Nichols, Maggie N. Nichols, Walter P. Nichols, Nellie Nichols, Ogie Lee Nichols, Eva May Nichols, Florence Perry, Nathan Perry, Arthur Perry, Lennie Perry, Freddie Perry, Dallas Perry, Vivian Perry, Martha A. Martin, Kate Martin, Carl Martin, Clifton Martin, Mira Martin and Ada Nichols as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James Bixby
Acting Chairman.

Registered.

COPY

Kuskogee, Indian Territory, November 7, 1902.

Ada Nichols,

Whynot, Mississippi.

Dear Madam:

You are hereby advised that on the 27th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Colonel T. Nichols, et al., of which decision you were advised by registered mail on the 15th day of July, 1902.

Respectfully,

(SIGNED).

Lane Kirby
Acting Chairman.

No. 4745

For Identification as a Mississippi Choctaw
Meridian, Miss.

Date

FEB 12 1902

Name Ada Nichols

Age 24

Blood $\frac{1}{8}$

Post Office, Wymot, Miss.

Father: Colonel T. Nichols L

Mother: Martha " L

Claims through father.

(Given as my only child)

Children:

Ada Nichols

Choctaw MCR 4746

Lemella Martin

See MCR 4747

MCR 4746

4746

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 12th, 1902.

In the matter of the application of Lemella Martin for the identification of herself and one minor child, Henry Allen, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Lemella Martin, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Lemella Martin.
Q How old are you? A Twenty-nine.
Q How much Choctaw blood have you? A About three fourths I guess-my father claimed to be a full blood.
Q What is your postoffice address? A Winona, Mississippi.
Q What County? A Montgomery.
Q How long have you lived there? A Been there seven years and four months the third of March.
Q Where did you live before that? A In Jackson, Mississippi.
Q How long there? A Ten years.
Q Where did you live before that? A In Yazoo City-I was born there.
Q You lived there until you went to Jackson? A Yes sir, I went to Jackson when I was ten or eleven years old.
Q Is your father living? A No sir.
Q What was his name? A Manuel Stevens.
Q Is your mother living? A Yes sir.
Q What's her name? A Anna E. Stevens.
Q How much Choctaw blood do you claim your father had? A He claimed to be full blood Indian.
Q Are you sure he was a full blood Choctaw? A That's what he claimed to be-he looked just like the rest of the Indians and talked like the rest.
Q How long has he been dead? A Two years the 25th of April next.
Q How much Choctaw blood has your mother? A About a quarter I suppose.
Q Is she the Anna E. Stevens who just appeared before the Commission before you did? A Yes sir.
Q Has your father lived in Mississippi all his life? A Yes sir.
Q Has your mother? A Yes sir, ever since I can remember. My father says he was born and raised in Scott County.
Q Are you married? A Yes sir.
Q How many times have you been married? A Twice.
Q What was the name of your first husband? A Hardy Allen.
Q Did he have any Choctaw blood? A No sir.
Q What's the name of your present husband? A Charley Martin.
Q Is Hardy Allen living? A Yes sir.
Q Were you married to him under a license? A Yes sir.
Q Have you any children by your present husband? A No sir.
Q You make no claim for your present husband? A No sir.
Q How many children have you living? A Never had but one.
Q What is that child's name? A Henry Allen.
Q How old is he? A He will be seven years old the 30th of March.

Q Is he the child of yourself and Hardy Allen? A Yes sir.

Q He gets his Choctaw blood, then, solely through you? A Yes sir.

Q This application is for yourself and one child? A Yes sir.

Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.

Q Has any application of any description ever been made before today for yourself or this child looking to the establishment of your rights as Choctaw Indians? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and child under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand this 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits under it? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Did any of them live here at that time, as a matter of fact? A Yes sir, I guess so--they were born and raised here.

Q What one of your ancestors was living here 71 years ago? A My father, I suppose-- I don't know. He said his mother was an Indian and his father was an Indian Chief.

Q Do you know the names of your father's father and mother? A No sir.

Q Did any of your ancestors move out to the new nation when the greater portion of the Choctaw Tribe moved out there between the years 1833 and 1838? A No sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Or under any other article of the treaty or under the supplement? A I don't know about it.

Q Did any of them ever get any money from the Government? A No sir, not as I know of.

Q You heard me explain to your mother the causes which brought about certain acts of Congress between the years 1837 and 1842, and their provisions? A Yes sir.

Q Did any of your ancestors appear before any of the Commissioners appointed under these acts of Congress and attempt to establish their rights under article 14 of the Treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever get any scrip from the Government under the act of Congress approved August 23, 1842? A Not as I know of.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek

Lemella Martin et al---3

or ever received any benefits thereunder? A No sir.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence to offer at this time? A No sir.
Q Have you any witnesses here today? A Yes sir, I have one.
Q What's his name? A Tom Harvey.
Q What do you expect to prove by him? A Prove that my father was an Indian.
Q What else? A That he knew my mother's mother-that she had Indian in her.
Q Is that all? A Yes sir.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before us here between now and the 15th of this month or within a reasonable time thereafter at Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any further statements to make at this time in support of your application? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.
Q Have you any brothers living? A Yes sir.
Q How many? A Two.
Q What are their names? A Manuel and Nathaniel.
Q Have you any sisters living? A Yes sir.
Q How many? A Two.
Q What are their names? A The oldest is named Dorsey Jackson.
Q Next one? A Lottie Ball.
Q Have any of your brothers and sisters been before the Commission? A No sir.

This applicant has the appearance of being possessed of a mixture of negro and either Indian or white blood-the negro blood largely predominates-her hair is black and almost straight-she does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 12th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this 5th day of March, 1902, at Philadelphia, Mississippi.

L. B. Massey
Clerk U. S. Circuit Court, Southern District of Mississippi.

By *[Signature]*

Deputy.

Copy

Muskogee, Indian Territory, October 28, 1902.

Lemella Martin,

Winona, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anna E. Stevens, et al., embracing the following applications for identification as Mississippi Choctaws:

Anna E. Stevens, et al.,
Lemella Martin, et al.,

M.C.R. 4747
M.C.R. 4746

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anna E. Stevens, Nathaniel Stevens, Lemella Martin and Henry Allen, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

L.M.--2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Dixby.
Acting Chairman.

Registered.

CO.

Muskogee, Indian Territory, February 21, 1903.

Lemella Martin,
Winona, Mississippi.

Dear Madam:

You are hereby notified that on the 9th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anna E. Stevens, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

Tame Dixie
Acting Chairman.

M C R 4747

M C R 4746

Muskogee, Indian Territory, December 8, 1903.

Anna E. Stevens,

Winona, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of a joint letter of yourself and Lemella Martin, of the 24th ultimo, by reference from the Secretary of the Interior. Therein you ask what steps you should take relative to securing rights as Mississippi Choctaws.

In reply you are informed that it appears from our records that on February 9, 1903, the Secretary of the Interior approved the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of Anna E. Stevens, et al., of which the application of Lemella Martin et al. is a part, and of which departmental action you were notified on February 21, 1903. The Commission now considers this case closed.

Respectfully,

Chairman.

#1767

No. 2716

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

FEB 12 1902

Name Lemella Martin

Age 29

Blood

3/4

Post Office, Winona, Miss.

Father: Manuel Steveng (Sull) d

Mother: Anna E " 1/4 L

Claims through both parents.

Child of the above named parents.

Children:

Henry Allen 6

father Hardy Allen L

No ~~Allen~~ Choctaw blood.

Choctaw MCR 4747

Anna E. Stevens

See MCR 4746

MCR 4747

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----Q-----

In the matter of the applications of Anna E. Stevens,
et al., for identification as Mississippi Choctaws, consoli-
dating the applications of -

Anna E. Stevens, et al., M. C. R. 4747
Lemella Martin, et al., M. C. R. 4746

-----Q-----

List of papers forwarded to the Secretary of the Interior,
embracing the record in the consolidated case of Anna E. Stevens,
e t a l.

-----Q-----

Page.

Original application of Anna E. Stevens, et al.,
to the Commission to the Five Civilized Tribes,
for identification as Mississippi Choctaws,..... 1

Testimony of Tom Harvey in behalf of applicants,..... 6

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to the Commission to the Five Civilized Tribes,
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Final decision of the Commission to the Five Civil-
ized Tribes, refusing the applications for identifi-
cation as Mississippi Choctaws, in the consolidated
case of Anna E. Stevens, et al.,..... 12

-----Q-----

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 12th, 1902.

In the matter of the application of Anna E. Stevens for the identification of herself and one minor child, Nathaniel Stevens, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicants,
A.W. Jones, Agent for applicants.

Said Anna E. Stevens, being first duly sworn, testified as follows:-

Examination by the Commission.

Q What's your name? A Anna E. Stevens.
Q How old are you? A Fifty-nine years of age.
Q How much Choctaw blood have you? A Half-that's all I know-my mother was half.
Q Did your father have any Choctaw blood? A Not as I know of-I never saw my father.
Q I don't see how you figure that? A Well, my mother was half Indian; my mother's mother was a whole Indian.
Q Then you would be a quarter Indian? A Yes sir.
Q What's your postoffice address? A Winona, Mississippi.
Q What County? A Montgomery.
Q How long have you lived there? A Been there eight years.
Q Where did you live before that? A In Jackson, Mississippi.
Q Hinds County? A Yes sir.
Q How long did you live there? A About ten years.
Q Where did you live before that? A In Yazoo City.
Q How long did you live there? A Born and raised there.
Q And you lived there until you went to Hinds County? A Yes sir.
Q Were you a slave? A No sir.
Q Is your father living? A No sir.
Q What was his name? A John Walker.
Q Was he a slave? A No sir.
Q Is your mother living? A No sir, she's dead.
Q What was her name? A Sarah Walker.
Q You get your Choctaw blood through her solely? A Yes sir.
Q You claim she was one-half Choctaw, do you? A Yes sir.
Q How long has she been dead? A She's been dead ever since I was ten or eleven years of age.
Q Was she a slave? A No sir.
Q How old would your mother be if she were living now? A She would be about seventy-eight years old.
Q Where was she born? A Born in Mississippi.
Q Where? A I don't know, sir.
Q Somewhere in this State? A Yes sir.
Q Did she live here all her life? A Yes sir.
Q Do you speak the Choctaw language? A No sir.
Q Did she? A Yes sir, she could.
Q You are willing to swear positively to that-that she could speak the Choctaw language? A Yes sir.
Q How do you know? A I heard her talk it.
Q You remember that she talked the language? A Yes sir, I remember it.
Q Would you know the Choctaw language if you heard it spoken? A Yes sir.

- Q Through which one of her parents did your mother get her Choctaw blood? A From her mother.
- Q What was her mother's name? A Ellen Rax Bailey.
- Q How long has she been dead? A She was dead before I was born. I just know her through my mother.
- Q You don't know, as a matter of fact, that she was a Choctaw, do you? A No more than what my mother said.
- Q Did she have a Choctaw name? A I don't know whether her name was a Choctaw name or not-her name used to be Ellen Scott before she married.
- Q Was she a slave? A No sir.
- Q Where was she born? A Born in Mississippi-amongst the Choctaws.
- Q How do you know? A Just from my mother and the lady that raised me-Harriet Parsons.
- Q You have no idea where your mother was born? A No sir, she was born here in Mississippi.
- Q Did Ellen Bailey live here in Mississippi all her life? A Yes sir.
- Q What was the name of your mother's father? A His name was Lewis Scott.-that's all I know.
- Q What was he? A I don't know, sir-I never saw neither my grandmother nor my grandmother and I never saw my own father to know him.
- Q Are you married? A Yes sir.
- Q Is your husband living? A No sir, he's dead.
- Q What was his name? A Manuel Stevens.
- Q Did he have any Choctaw blood? A Yes sir-full Choctaw.
- Q Are you sure of that? A Yes sir, he talked it-he went with them.
- Q Did he speak the Choctaw language? A Yes sir.
- Q How long has he been dead? A Two years this April.
- Q How old was he when he died? A He was sixty-nine years of age.
- Q Was he ever a slave? A No sir.
- Q Where was he born? A Born in Mississippi.
- Q Where? A Born in Scott County somewhere.
- Q When did you first meet him? A I met him about-I married him thirty-four years ago.
- Q Where? A In Yazoo City, at the M.E. Church under Mr. Tollert Gibbs.
- Q A minister? A Yes sir.
- Q Were you married under a license? A Yes sir.
- Q Where is that license now? A I don't know, sir; he was cutting wood in the pinery and his camp caught fire and burned up all his papers.
- Q Was your license with those papers? A Yes sir, he kept that with him all the time.
- Q Do you know the name of his father? A No sir, I don't know nothing about his father.
- Q Or his mother? A No sir.
- Q You don't know who they were? A No sir-I haven't no relatives as I know of except my self and my five children-my people's all done dead.
- Q You are quite sure, now, that your husband was a full blood Choctaw Indian? A Yes sir.
- Q Could he talk English? A Yes sir, he talked sort'a broken. He couldn't hardly talk our language at all when I first married him.
- Q How many children have you under 21 years of age and unmarried? A All of them married except one.
- Q What is that child's name? A Nathaniel Stevens.

Anna E. Stevens et al---3

- Q How old is he? A Going on seventeen years old.
Q Does he live with you at this time? A Yes sir.
Q Is he the child of yourself and Manuel Stevens? A Yes sir.
Q This application is for yourself and one child, then? A Yes sir.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of yourself and Manuel Stevens for use in connection with the application you make in behalf of ~~these~~ minor child and also for use in connection with the applications which may be made by any of your children who are of age. This should be furnished within thirty days from this date.

- Q Is your name or the name of this child on any of the Choctaw Tribal rolls in Indian Territory? A I don't know, sir.
Q Have you ever made any application of any description before today for the purpose of establishing the rights of yourself and this child as Choctaw Indians? A No sir.
Q This is the ~~my~~ first application of any kind that has ever been made for you? A yes sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child~~x~~ under article 14 of the treaty of Dancing Rabbit Creek? A yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A ~~Yes sir~~ No sir, I don't understand it.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, -over 71 years ago-between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be

entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article now? A Yes sir, I reckon so.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits under it? A No sir.

Q Did any of them own an improvement here in the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know, sir.

Q Did any of them live here in the old Choctaw Nation in Mississippi and Alabama at that time? A I don't know, sir.

Q Do you know whether any of your husband's ancestors ever complied with this treaty provision or ever received any benefits under it? A I don't know, sir-his people were amongst the Choctaws-I don't know.

Q You don't know whether any of them ever owned an improvement here at that time or ~~saw~~ whether they lived there at that time? A Yes sir, they lived here.

Q 71 years ago? A Yes sir, because he was born here and died here.

Q You don't know the name of a single one of his ancestors, do you? A No sir.

Q Did any of your ancestors or any of your husband's ancestors remove out to the new nation west of the Mississippi River at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1836? A Not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.

Q Did any of them ever get any land here in Mississippi from the Government to your knowledge? A No sir.

Q Did any of them ever get any money from the Government? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land.

The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they were entitled to land under article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors or any of your husband's ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?
A Not to my knowing.

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in place of that land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your husband's ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir.

Q So far as you know, then, none of your ancestors and none of your husband's ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors or any of your husband's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence to offer at this time? A No sir, I have not.

Q Have you any witnesses here? A That's all the witness I have.

Q What's his name? A Brother Thomas Harvey.

Anna E. Stevens et al---6

Q Is he as old as you are? A Yes sir, he is older.

Q What do you expect to prove by him? A Just wanted him to testify that he knew my mother and he knows my husband.

Q Is that all you expect to prove by him? A yes sir.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q What are the names of your four children who are over age? A Ledoska Jackson-the oldest girl.

Q Next one? A Lemella Martin.

Q Next one? A Manuel Stevens.

Q Next one? A Lottie Ball.

Q Have any of them been before the Commission? A No sir. Lemella is here today.

Q Have you any children dead? A Yes sir, I have fourteen children dead-I am the mother of nineteen and there is only five living.

Q Did any of these children who are dead leave children? A No sir, all died when they were young.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood predominates. Her hair is inclined to be straight-her features and facial expression are those of a negro.

Tom Harvey, being first duly sworn, testified as follows:-

Examination by the Commission.

Q What's your name? A Tom Harvey.

Q How old are you? A About sixty-three or sixty-four.

Q What's your postoffice address? A Winona.

Q Montgomery County, Mississippi? A Yes sir.

Q How long have you lived up there? A All my days-this is the first I've been from home since I was freed.

Q You have lived up there in Montgomery all your life? A Yes sir, bred and born up there.

Q Are you acquainted with this applicant Anna E. Stevens? A yes sir

Q Are you acquainted with her daughter Lemella Martin who just appeared before the Commission? A yes sir.

Q Are you any kin to these people? A No sir.

Q How long have you known them? A I been knowing them for a good many years-at least her father-Mrs. Stevens' husband and her father.

Anna E. Stevens et al--7

Q Are you interested in any way in the result of these applications? A No sir.

Q What is your occupation, Tom? A Cutting wood and working around the garden.

Q Has Anna E. Stevens any Choctaw blood? A Yes sir.

Q How much? A There's about three thirds I think, according to what I heard them say.

Q You don't think she has any more than that? A I aint much-got about that-I don't know.

Q Through which one of her parents did she get her Choctaw blood?

A I reckon she got it through her mother.

Q Did you know her mother? A Yes sir.

Q What was her name? A Sarah Walker.

Q How long has Sarah been dead? A I don't know, sir-exactly.

Q Was Sarah much older than you? A No sir, I don't reckon she was.

Q When did you first meet Sarah? A Its been-well, I was small-I was nearly twenty years old.

Q Where did you meet her? A At a place near Vaden in Carroll County.

Q Was she a slave? A No sir.

Q How much Choctaw blood did she have? A They said she was full blood-so I understood.

Q You would be willing to swear to that, would you? A Yes sir.

Q That she was a full blood Choctaw? A Yes sir.

Q Do you think you would know a full blood if you saw one? A Yes sir, I think I do.

Q Did you know Sarah Walker's husband? A No sir.

Q Did you know Sarah's father and mother? A No sir, I just know her.

Q Don't you know, as a matter of fact, that Sarah had some negro blood in her? A She might have had but I don't know.

Q You couldn't swear that she had Choctaw blood, could you? A No sir, that's only what I heard people say.

Q Were you ever acquainted with a man named Manuel Stevens? A Yes sir.

Q What kin was he to Lemella Martin? A Her father.

Q Was he married at the time of his death? A Of course he was.

Q What was his wife's name? A Anna Stevens.

Q Did Manuel have any Choctaw blood? A Yes sir.

Q How do you know that? A The Indians would come there and he would talk the Indian language.

Q Can you talk the Choctaw language? A I can speak a few words what he spoke.

Q Let's hear you speak some words.

The witnesses here prenonces three Choctaw words.

Q Do you know how much Choctaw blood this man Manuel had? A No sir, I don't know-I think he was mighty near full Indian.

Q What makes you think that? A Cause he had ways like an Indian and talked like an Indian and he would play ball with them.

Q How old would Manuel be if he were living now? A About seventy years old I reckon.

Q How old were you when you first met him? A I was about twenty years old I reckon.

Q Was he a slave? A I don't know whether he was at that time or not.

Anna E. Stevens et al--8

Q Was he ever a slave? A I don't know-I started to say that I heard him say so but I didn't.

Q Do you know the name of his father or his mother? A No sir.

Q Do you know where Manuel was born? A He was born in Winston County down here-its called Choctaw County too.

Q Choctaw County, Mississippi? A Yes sir.

Q How do you know that? A I know what I heard him say.

Q He told you he was born in Choctaw County, this State, did he? A Yes sir.

Q Don't you know he had negro in him? A I couldn't swear it.

Q Isn't it your opinion that he did? A If you ask me for the truth, I don't know.

Examination by Mr. Beadle:

Q Are you certain that this woman Lemella Martin's father was an Indian? A I have heard him say so.

Q What else about Lemella Martin's father led you to believe that he was a Choctaw Indian? A Cause he was the color of the Indian- he was built like them and he talked like them.

Q You say because he was the color of them and built like them and talked their language? A Yes sir and I have no other right to believe anything else only what he said.

Q When did he tell you that? A Its been years ago.

Q About how long? A I reckon its been 30 or 40 years ago.

Commission:

Mr. Beadle, does this witness know whether any of the ancestors of Lemella Martin ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?

By Mr. Beadle:

No sir.

(Witness excused)

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 12th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, taken in said proceedings on said date.

Subscribed and sworn to before me this the 4th day of March, 1902, at ~~Meridian~~, ~~Mississippi~~ Philadelphia, Mississippi.

L. B. Mosley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *Marsh*

Deputy.

9K
C.O.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Anna E. Stevens,
et al., for identification as Mississippi Choctaws, consolidat-
ing the applications of -

Anna E. Stevens, et al., M. C. R. 4747
Lemella Martin, et al., M. C. R. 4746

-----0-----

--: D E C I S I O N :--

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this
Commission by Anna E. Stevens for herself and her minor child,
Nathaniel Stevens, and by Lemella Martin for herself and her
minor child, Henry Allen, under the following provision of the
act of Congress approved June 28, 1898 (30 Stat., 498):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation, conclu-
ded September twenty-seventh, eighteen hundred and thirty,
and to that end may administer oaths, examine wit-
nesses and perform all other acts necessary thereto, and make
report to the secretary of the Interior."

It also appears that the principal applicant herein,
Anna E. Stevens, claims rights in the Choctaw lands under article
fourteen of the treaty between the United States and the Choctaw

Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Ellen Bailey, nee Scott, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty, and that the other applicants herein claim said rights by reason of being descendants of the aforesaid Ellen Bailey, nee Scott, and one Manuel Stevens, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 20, 1906 (34 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Ellen Bailey, nee Scott, or the said Manuel Stevens, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply

3.

with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 523).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anna E. Stevens, Nathaniel Stevens, Lemella Martin and Henry Allen, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

T. D. Needles.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

OCT 23 1887

COPY.

M.C.R. 4747

Muskogee, Indian Territory, October 28, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anna E. Stevens, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------|-------------|
| Anna E. Stevens, et al., | M.C.R. 4747 |
| Lemella Martin, et al., | M.C.R. 4746 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anna E. Stevens, Nathaniel Stevens, Lemella Martin and Henry Allen; as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M. McM. & C. ---2

You are further advised that the principal applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Dobby.

Acting Chairman.

COPY

Muskogee, Indian Territory, October 28, 1902.

A.W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anna E. Stevens, et al., embracing the following applications for identification as Mississippi Choctaws:

Anna E. Stevens, et al.,
Lemella Martin, et al.,

M.C.R. 4747
M.C.R. 4746

These applications were made under the provision of the act of Congress of June 28, 1898, (30 stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anna E. Stevens, Nathaniel Stevens, Lemella Martin and Henry Allen, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

A.

A. W. Jones ---2

You are further advised that the principal applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,


Acting Chairman.

Registered.

Muskogee, Indian Territory, October 28, 1902.

S.A. Readle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anna E. Stevens, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------|-------------|
| Anna E. Stevens, et al., | M.C.R. 4747 |
| Lemella Martin, et al., | M.C.R. 4746 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anna E. Stevens, Nathaniel Stevens, Lemella Martin and Henry Allen, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

S.A.B.---2

You are further advised that the principal applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Diney
Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, October 23, 1902.

Anna E. Stevens,

Winona, Mississippi.

Dear madam:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Anna E. Stevens, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------|-------------|
| Anna E. Stevens, et al., | M.C.R. 4747 |
| Lemella Martin, et al., | M.C.R. 4746 |

These applications were made under the provision of the act of Congress of June 28, 1896, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anna E. Stevens, Nathaniel Stevens, Lemella Martin and Henry Allen, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

A.E.S.---2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Samuel D. May
Acting Chairman.

Registered.

Miss. Choctaw R4747

Muskogee, Indian Territory, November 12, 1902.

Anna F. Stevens,

Winona, Mississippi,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 9, stating that you can furnish whatever proof is necessary in the matter of the applications of Anna Eliza Stevens et al. and Lemella Martin, et al. as Mississippi Choctaws, and that you will forward the same within fifteen days from the date you received the notice.

In reply to your letter you are advised that at the time you made application for identification as Mississippi Choctaws you and Lemella Martin stated that you based your claims on the provisions of the fourteenth article of the treaty of 1830, which was read and explained to you. It not appearing from the evidence offered in support of these claims nor from the records of the government in the possession of the Commission that the alleged Choctaw ancestors through whom you claim your rights ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830 or received land or scrip thereunder, the Commission was without authority to identify you and your children as Mississippi Choctaws, and therefore rendered its decision refusing your application and the application of Lemella Martin for identification as Mississippi Choctaws. On October 26, 1902, you were notified of the decision of

A.M.S. 2

the Commission and that you would be allowed fifteen days from that date within which to file argument in your case for the consideration of the Secretary of the Interior, through the Commissioner of Indian Affairs. At the expiration of the fifteen days heretofore granted for the filing of argument, the record in this case, together with such papers as may have been offered by you prior to the expiration of the fifteen days from October 22, 1903, will be forwarded to the Secretary of the Interior for review and you will be notified in due time of the action taken by him.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Anna E. Stevens, et al., applicants for identification as Mississippi Choctaws, including the decision of the Commission of October 28, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

| | |
|--------------------------|-------------|
| Anna E. Stevens, et al., | M.C.R. 4747 |
| Lemella Martin, et al., | M.C.R. 4746 |

The Commission has the honor to report that the principal applicants in the several separate applications, their agent, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Samuel Dwyer
Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 enclosure.

M. C. R. 4747.

Land.
68333, 1902.

C O P Y.

Department of the Interior,
Office of Indian Affairs,
Washington, Jan. 26, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Anna E. Stevens for herself and her minor child, Nathaniel Stevens and Lemella Martin for herself and her minor child, Henry Allen wherein a decision adverse to the applicants was rendered by the commission on October 28, 1902.

The testimony in this case shows that the principal applicant bases her claim to identification because of her descent from Ellen Bailey, nee Scott, and that the other applicants base their claim to identification because of their descent from Manuel Stevens. The applicants claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with

reference to the names of Ellen (Scott) Bailey and Emanuel Stevens and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the Commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A.C. Tonner,

Acting Commissioner

(E.B.H.)

P.

D.C. 4317

C O P Y.

RAF.

DEPARTMENT OF THE INTERIOR.
ITD.1032-1903. W A S H I N G T O N.

February 9, 1903.

SIR.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

November 13, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws of Anna E. Stevens and her minor child Nathaniel Stevens; and of Lemella Martin and her minor child Henry Allen, including your decision of October 28, 1902, adverse to the applicants.

Anna E. Stevens claims to be a descendant of one Ellen Bailey (nee Scott) alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830. The other applicants trace their descent from said Ellen Bailey and from one Manuel Stevens alleged to have been a full blood Choctaw Indian.

The applicants have not been admitted or enrolled as citizens of the Choctaw Nation, and the record fails to show that any one of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting January 26, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

Finding no reason to disturb your decision after a careful review of the record, the Department affirms the same.

Respectfully,

THOS. Ryan,
Acting Secretary,

Enclosure.

COPY.

Muskogee, Indian Territory, February 21, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 9th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anna E. Stevens, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

Tame Dixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anna E. Stevens, et al., of which decision you were advised by mail on the 28th day of October, 1902.

Respectfully,

Tame Dixie.

Acting Chairman.

M.C.R. 4747

COPY

Muskogee, Indian Territory, February 21, 1903.

S. A. Beadle, Esq.,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 9th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anna E. Stevens, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

James D. Kirby.
Acting Chairman.

COPY

Muskogee, Indian Territory, February 21, 1903.

Anna E. Stevens,

Winona, Mississippi.

Dear Madam:

You are hereby notified that on the 9th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anna E. Stevens, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

Tamc Pixie.

Acting Chairman.

M C R 4747
M C R 4746

Muskogee, Indian Territory, December 8, 1903.

. Anna E. Stevens,
Winona, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of a joint letter of yourself and Lemella Martin, of the 24th ultimo, by reference from the Secretary of the Interior. Therein you ask what steps you should take relative to securing rights as Mississippi Choctaws.

In reply you are informed that it appears from our records that on February 9, 1903, the Secretary of the Interior approved the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of Anna E. Stevens, et al., of which the application of Lemella Martin et al. is a part, and of which departmental action you were notified on February 21, 1903. The Commission now considers this case closed.

Respectfully,

Chairman.

LETTER TO M. C. R. ..

Anna E. Stevens
etc

Constitutional Case

Ellen Bailey (unc. Scott)
mar
Lewis Scott

Sarah Walker 1/2
mar
John Walker

Anna C. Walker 29 3/4
mar
Manuel Stevens f. b.
dead

Hedra Stevens?
(Kendall) mar
Jackson

Manuel Stevens

Kenneth Stevens 29 3/4
mar
O Hardy Allen
& Charles Martin

Henry Allen?

Katie Stevens?
mar
Waco

Manuel Stevens 1/2

#1768

No.

2117

For Identification as a Mississippi Choctaw.

Meridian Miss FEB 12 1902

Date

Name

Anna E. Stevens

Age

59

Blood

1/4

Post Office

Winona, Miss.

Father:

John Walker d

Mother:

Sarah " &

Claims through mother

husband

Manuel & Stephen (Jull)

d

Children:

Children:

Nathaniel Stevens

16

Mother: Mother: Wier Bailey, D. & S.

Stenographer

J. S. Niles

Choctaw MCR 4748

Texanna Bailey

MCR 4748

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Texanna Bailey, et al., for identification as Mississippi Choctaws, M C R 4748.

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Texanna Bailey, et al.

| | Page. |
|---|-------|
| Original application of Texanna Bailey, et al., to the Dawes Commission for identification as Mississippi Choctaws | 1 |
| Testimony of Tom Harvey in behalf of applicants | 5 |
| Decision of the Commission refusing the application of Texanna Bailey, et al., for identification as Mississippi Choctaws | 8 |

4748

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 12th, 1902.

In the matter of the application of Texanna Bailey for the identification of herself and three minor children, Charles, Ruby and Minnie Bailey, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Texanna Bailey, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Texanna Bailey.
- Q How old are you? A About forty-eight or forty-seven-I don't know exactly.
- Q How much Choctaw blood have you? A I don't know.
- Q Haven't you any idea? A My grandmother was a full blood Choctaw Indian.
- Q Your mother's mother? A yes sir.
- Q Did your mother's father have any Choctaw blood? A I don't know whether he did or not.
- Q Did your father have any? A I don't know-my father died before I was born.
- Q And your grandmother was a full blood? A yes sir.
- Q You claim to be a quarter, then? A Yes sir.
- Q What's your postoffice address? A Winona.
- Q What County? A Montgomery County.
- Q How long have you lived in that County? A I've been there two years the 16th of January.
- Q Where did you live before that? A In Grenada County, Mississippi, Grenada.
- Q Where did you live before you went to Grenada? A I was born and raised in Winona.
- Q You have lived in this State all your life, then? A yes sir.
- Q Is your father living? A No sir, he died before I was born.
- Q Do you know what his name was? A No sir.
- Q What was your mother's name? A Dinah.
- Q How long has she been dead? A Fifteen years.
- Q About how old was she when she died? A She was about seventy-five I think.
- Q What other name did Dinah have? A Dinah Gossett.
- Q Was she a slave? A I don't know, sir.
- Q Were you? A No sir.
- Q You get your Choctaw blood solely through your mother? A yes sir.
- Q How much Choctaw blood do you claim your mother had? A She was a half.
- Q What was your mother's mother's name? A Raster Wilson.
- Q Was that her maiden name? A No sir-I don't know her maiden name. That was her married name.
- Q Did you ever see Raster? A yes sir.
- Q You claim that she was a full blood Choctaw Indian? A Yes sir.
- Q When did she die? A She's been dead about twenty years.
- Q How old was she when she died? A She was about 75 or 80 years old when she died.
- Q Where was she born? A In Choctaw County, Mississippi.

- Q Did she live in this State all her life? A Yes sir, all her life.
- Q Was she a slave? A No sir.
- Q Did she have a Choctaw name? A I don't know a Choctaw name.
- Q Did she, or not, have a Choctaw name? A I don't know, sir.
- Q Did she speak the Choctaw language? A I don't know, sir-she spoke some kind of language, I don't know what it was.
- Q Do you speak the Choctaw language? A No sir.
- Q Do you know the name of either one of Easter's parents? A No sir.
- Q What was your mother's father? A He was a Wilson-he wasn't no Indian, though.
- Q Are you married? A No sir.
- Q Have you been married? A Yes sir.
- Q Is your husband living? A No sir, he's dead.
- Q What was his name? A William Bailey.
- Q Did he have any Choctaw blood? A If he did I don't know it.
- Q Were you married more than once? A No sir.
- Q How many children have you living? A Three.
- Q Are any of them over age? A No sir.
- Q Do you want to make application for your three children? A Yes sir.
- Q What are their names and ages? A The oldest one is seventeen.
- Q What's the name of the one that is seventeen? A Charles.
- Q Next one? A Ruby.
- Q How old? A Going on eight years old.
- Q Next one? A Minnie. She will be four in August.
- Q Are these children all living with you at this time? A Yes sir.
- Q Are they all the children of yourself and William Bailey? A Yes sir.
- Q This application, then, is for yourself and three minor children? A Yes sir.
- Q Is your name or the name of any one of these children to be found on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Has any application of any description ever been made for you or any of these children before today looking to the establishment of your rights as Choctaw Indians? A No sir, not as I know of.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q You understand that 14th article of the treaty of Dancing Rabbit Creek, do you? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits under that article? A No sir, not as I know of.
- Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir.
- Q Did any of them live here at that time? A Not as I know of.
- Q Did any of them remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mis-

Mississippi and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Or under any other provision of that treaty? A No sir.

Q Did any of them ever get any money from the Government? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land under that article. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given ~~an~~ certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir.

- Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir, never did.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, not as I know of.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence to offer at this time in support of your application? A No sir, I haven't any.
- Q Have you any witnesses here today? A Yes-I have one-he knew me before I knew myself.
- Q What's his name? A Tom Harvey.
- Q What do you expect to prove by him? A I expect to prove what my grandmother was.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 15th of this month within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time? A No sir, I have a plenty of witnesses at home but haven't any here.
- Q Have you any brothers or sisters living? A Yes sir, five of us are living.
- Q What are the names of your brothers and sisters who are living? A Lonnie Raymond.
- Q Is that a boy? A yes sir.
- Q Sealy Allen, Minnie Thompson and Ella Finnell.
- Q Is that all your brothers and sisters? A No sir, Hattie Johnson- and then I have a brother named Charlie Gossett, and then I have a brother names Henry Gossett.
- Q Have any of them been before the Commission? A Not as I know of.
- Q Did any of your brothers or sisters who are dead leave children? A No sir.
- Q Are any of your mother's brothers or sisters living? A No sir, they're all dead.
- Q Did any of them leave children? A yes sir.
- Q Are you acquainted with those children? A No sir.
- Q You don't know their names? A No sir.
- Q Where do they live? A They live in Arkansas-and Memphis, Tennessee.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being possessed of a mixture of negro and wither white or Indian blood-she has straight black hair-dark eyes and dark complexion-her cheek bones are rather prominent-she does not speak or understand the Choctaw language.

Texanna Bailey et al--5

Examination by Mr. Beadle:

- Q Why didn't you bring your witnesses with you? A I wasn't able to bring but one.
- Q Did you ever see your grandmother? A Yes sir, my grandmother raised me.
- Q How old were you when she died? A I don't know how old I was.
- Q About how old would she be if she were living? A She would be about ninety years old I reckon; eighty or ninety.
- Q Did she always live in this State? A Yes sir, she was born and raised in Choctaw County.
-

Tom Harvey, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Tom Harvey.
- Q How old are you? A About sixty-three or four.
- Q What's your postoffice address? A Winona.
- Q Montgomery County, Mississippi? A Yes sir.
- Q How long have you lived up there? A All my days.
- Q Were you a slave? A Yes sir.
- Q What is your occupation now? A Working in gardens and cutting wood.
- Q Are you acquainted with the applicant Texanna Bailey? A Yes sir.
- Q How long have you known her? A All her days.
- Q Are you any kin to her? A No sir, only fellow servants.
- Q Was she a slave? A No sir, I reckon not.
- Q Are you interested in any way in the result of her application? A No sir.
- Q Has she any children? A Yes sir.
- Q How many? A Three.
- Q Has she any Choctaw blood? A Well, she looks like it.
- Q Do you know whether she has any Choctaw blood? A That's what they've always said-I don't know myself.
- Q Were you acquainted with her mother? A Yes sir.
- Q What was her name? A Dinah Wilson.
- Q What was her married name at the time of her death? A Her husband was named Jim Gossett.
- Q Was Dinah a slave? A Yes sir.
- Q Where was she born? A In Mississippi.
- Q Where? A Near Vaden, in Carroll County.
- Q How old were you when you first met Dinah? A We were raised up children together. Lived on the same place.
- Q I understood you to say that you lived in Montgomery all your life? A A Where I am living now is only about ten miles from where I was born and bred.
- Q Did Dinah have any Choctaw blood? A I reckon-I don't know.
- Q Were you acquainted with Dinah's father and mother? A I was acquainted with her mother.
- Q Through which one of her parents did Dinah get her Choctaw blood? A From her mother's side.
- Q What was her mother's name? A Raster Wilson.
- Q How much Choctaw blood did she have? A She was full blood-so said.
- Q Full blood Choctaw Indian? A That's what was said.

Texanna Bailey et al--6

- Q You wouldn't be willing to swear that she was? A I wouldn't be willing to swear anything else. That's what I heard.
- Q Who ever told you that she was a full blood Choctaw Indian?
- A The whole family of people where I lived-they always called her that Indian.
- Q Wasn't she a slave? A She wasn't no slave.
- Q How did her daughter come to be a slave? A They lived on the place-but she was always called a free born woman.
- Q Did you know Easter's father and mother? A No sir.
- Q How long has Easter been dead? A She's been dead-its been quite a while.
- Q Give us an Idea? A About-near twenty years,I guess.
- Q About how old was Easter when she died? A She was about 65 years old-if she lived up to now she would have been eighty or more.
- Q Where was she born-do you know? A No sir.
- Q How old were you when you first knew her? A We were children together.
- Q Could she speak the Choctaw language? A Well,as well as I can understand,she did speak just a little different from our people-she would speak Indian.
- Q I want to know whether she could speak the Choctaw language?
- A I don't know.
- Q Could Dinah speak the Choctaw language? A I never heard her.
- Q Did you ever hear of Easter or Dinah living any place outside of the State of Mississippi? A No sir.

Commission:

Mr Beadle,does he know whether any of the ancestors of this applicant ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?

By Mr.Beadle:

No sir.

Examination by Mr.Beadle:

- Q What place was that you lived on? A I lived on Wilson's place.
- Q You say that Easter lived there? A yes sir.
- Q Did this woman's mother live there? A yes sir.
- Q Was Easter a slave? A No sir,she lived there on the place and was said to be a free born woman.
- Q Who told you that? A All the people on the place.
- Q Did the white people tell you so? A No sir,thr white people didn't
- Q Did the negroes tell you so? A yes sir.

(Witness excused)

Commission:

This witness is a negro of average intelligence.

Ira S. Niles,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes,he reported in full all proceedings had in the above entitled cause,heard at Meridian, Mississippi,February 12th,1902,and that the above and foregoing is a full,true and correct transcript of his stenographic notes taken in

Texanna Bailey et al--7

said proceedings on said date.



Subscribed and sworn to before me this the 5th day of March, 1902,
at Philadelphia, Mississippi.



Clerk U.S. Circuit Court, Southern
District of Mississippi.

By



Deputy.

C. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Texanna Bailey, et al., for identification as Mississippi Choctaws, M C R 4748.

D E C I S I O N .

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Texanna Bailey for herself and her three minor children, Charles, Ruby and Minnie Bailey, under the following provision of the act of Congress approved June 23, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Easter Wilson, who is alleged to have been a

full blood Choctaw Indian.


It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Easter Wilson, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).


It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Texanna Bailey, Charles Bailey, Ruby Bailey and Minnie Bailey as

Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

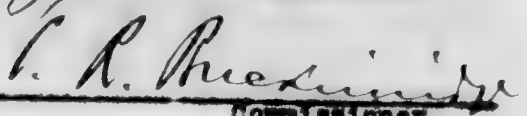
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

OCT 17 1902

COPY

M.C.R. 4748

Huskogee, Indian Territory, October 17, 1902.

Texanna Bailey,

Winona, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Texanna Bailey, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Texanna Bailey, Charles Bailey, Ruby Bailey and Minnie Bailey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

Teranna Bailey-2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman.

Registered.

Muskogee, Indian Territory, October 17, 1902.

A. W. Jones, Agt.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Texanna Bailey, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Texanna Bailey, Charles Bailey, Ruby Bailey and Minnie Bailey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

COPY.

H.C.R. 4748

Muskogee, Indian Territory, October 17, 1902.

S. A. Beadle, Esq.,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Texanna Bailey, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Texanna Bailey, Charles Bailey, Ruby Bailey and Minnie Bailey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

B.A. Beadle-2

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S)

Acting Chairman,

Registered.

Muskogee, Indian Territory, October 17, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Texanna Bailey, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Texanna Bailey, Charles Bailey, Ruby Bailey and Minnie Bailey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

N. Moh & Co-2

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

M.C.R. 4748

Muskogee, Indian Territory, November 3, 1902.

-The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Texanna Bailey, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 17th, 1902.

The Commission has the honor to report that the principal applicant herein, her attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M C R 4748.

COPY

Muskogee, Indian Territory, February 21, 1903.

Texanna Bailey,

Wipona, Mississippi.

Dear Madam:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Texanna Bailey, et al., of which decision you were advised by registered mail on the 17th day of October, 1902.

Respectfully,

Tamm Pixby.
Acting Chairman.

C O P Y

DEPARTMENT OF THE INTERIOR

Land
67,769-1902

OFFICE OF INDIAN AFFAIRS

Washington, Jan. 26, 1903.

The Honorable

The Secretary of the Interior

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following parties: Texanna Bailey for herself and her three minor children, Charles Ruby and Minnie Bailey, wherein a decision adverse to the applicants was rendered by the commission on October 17, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Easter () Wilson. The applicants claim that their ancestor was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the name of their ancestor through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the

additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Easter () Wilson, and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully

Acting Commissioner

(E.B.H)

P

C O P Y

D.C. 4336

DEPARTMENT OF THE INTERIOR

EAF

Washington

ITD. 1066-1903

February 10, 1903

L.R.S.

Commission to the Five Civilized Tribes/
Muskogee, I.T.

Gentlemen:-

November 3, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Texanna Bailey and her minor children, Charles, Ruby and Minnie Bailey, including your decision of October 17, 1902, refusing the application.

The applicants claim to be descendants of one Easter Wilson, who is alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants have been admitted or enrolled as citizens of the Choctaw Nation, or that said Easter Wilson, or a less remote ancestor of the applicants, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stats. 180) and August 23, 1842(5 Stat.513).

Reporting January 26, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department has carefully examined the entire record,
and hereby affirms your decision.

Respectfully

Thos Ryan

Acting Secretary

1 inclosure

COPY.

M.C.R. 4748

Muskogee, Indian Territory, February 21, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Texanna Bailey, et al., of which decision you were advised by registered mail on the 17th day of October, 1902.

Respectfully,

Tame Dixby.
Chairman.

M.C.R. 4748

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Texanna Bailey, et al., of which decision you were advised by mail on the 17th day of October, 1902.

Respectfully,

Tame Birby.

Acting Chairman.

M.C.R. 4748

Copy

Muskogee, Indian Territory, February 21, 1903.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Texanna Bailey, et al., of which decision you were advised by registered mail on the 17th day of October, 1902.

Respectfully,

BY

James D. Pritchett

Acting Chairman.

No. 4748

For Identification as a Mississippi Choctaw.

Meridian Miss

Date FEB 1st 1902

Name Levanna Bailey

Age 47 Blood 1/4

Post Office, Winona, Miss.

Father: don't know &

Mother: Dinah Gossett. &

Claims through mother
Husband: William Bailey &
No claim for husband.

Children:

| | | |
|---------|--------|----|
| Charles | Bailey | 17 |
| Ruby | " | 7 |
| Minnie | " | 3 |

mother's mother East Wiser d

Stenographer

J. A. Niles

Choctaw MCR 4749

Marancy A. Dean

See MCR 3800

MCR 4749

47

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 12th, 1902.

In the matter of the application of Marancy A. Dean for the identification of herself alone as a Mississippi Choctaw.

Said Marancy A. Dean, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Marancy A. Dean.
- Q How old are you? A I am fifty-eight.
- Q How much Choctaw blood do you claim to have? A My grandmother is said to be a half breed-Sarah Booth is my grandmother.
- Q Do you claim one-eighth Choctaw blood? A Yes sir.
- Q What is your postoffice address? A Senatobia.
- Q What County? Tate County, Mississippi.
- Q How long have you lived in Tate County, Mississippi? A Twenty-two years last October.
- Q Where did you live before that? A I lived in Tate-it was DeSoto before it was Tate-I was born there.
- Q You have lived, then, in that neighborhood all your life? A Yes sir.
- Q Is your father living? A No sir.
- Q What was his name? A Joshua J. Ellis.
- Q Is your mother living? A No sir.
- Q What was her name? A Barsheba Walker Ellis.
- Q Through which one of your parents did you get your Choctaw blood? A My mother.
- Q You claim that your mother was a quarter blood, then? A yes sir.
- Q How old would she be if she were living now? A I spect she would be-she's been dead fifty years-she would have been eighty-seven now. She died in '53 I believe.
- Q Where was she born? A In Georgia, but I don't know where.
- Q Did she come from Georgia to Mississippi? A Yes sir.
- Q Do you know how old she was when she came over here? A No sir, I don't-I am the youngest in the family and I couldn't answer that question.
- Q Did she come here before or after she was married? A After she was married.
- Q Did she live in Mississippi from the time she came here first until her death? A Yes sir, she died in DeSoto County-now that is Tate County.
- Q Through which one of her parents did she get her Choctaw blood? A Her mother was Sarah Booth and it came through her. They came here in '36.
- Q Was that her maiden name or her married name? A She was a Booth and she married a Walker-that was my mother's mother.
- Q How long has she been dead-your mother's mother? A I don't know, sir-I think she died way before my mother came here in '36.
- Q You claim that Sarah Booth was one-half Choctaw Indian? A That's what they tell me.
- Q Do you know the name of Sarah Booth's father or her mother? A Her father's name I think was Black John Booth.
- Q According to your testimony he was a full blood Choctaw-is that your understanding? A I don't know whether he was a full blood or not.

Marancy A. Dean--2

Q What is the name of your husband? A David L. Dean.

Q Has he any Choctaw blood? A No sir.

Q You make no claim for him, then? A No sir, just for myself.

Q You have no children living? A No sir, I haven't any-he has three.

Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir, not that I know of.

Q Has any application of any description ever been made in your behalf, prior to today for the establishment of your rights as a Choctaw Indian? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes sir, I think so.

Q You have read it or heard it explained, have you? A Yes sir.

This treaty was made here in 1830 between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek-do you think you understand that? A Yes sir, I think I do.

Q Did any of your ancestors ever comply or attempt to comply with its provisions if ever receive any benefits under that article?

A I don't know, sir-I reckon not.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A I don't know-I don't reckon they did.

Q Did any of them live here at that time-71 years ago? A None of mine didn't; because they came to this country in 1836.

Q Did any of your ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified -the treaty was ratified on the 24th day of February, 1831-let the Agent of the Government here in Mississippi for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know whether they did or not-I reckon not though cause they didn't come here until '36, my family didn't.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q Or under any other article of that treaty or the supplement?

A No sir, I guess not.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under that article. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here between the years 1837 and 1845 and held sessions here in Mississippi and heard a great many of these Choctaw cases.

Marancy A. Dean--4

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir-whether they did or not.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress? A No sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir, I don't.

Q Have you any written evidence of any kind to offer at this time? A No sir.

Q Have you any witnesses here to testify in your behalf? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you would like to make at this time in support of your application? A No sir, I don't know as I have.

Q You never have had any children at all? A No sir.

Q Now, you have some brothers and sisters living? A Yes sir, I have one sister is all-her name is Mrs. Bersheba J. Burford-she has registered-she's my sister-she's the only sister I have.

Q Did you ever have any brothers? A Yes sir, but I haven't any living.

Q How many brothers did you have? A Four, I believe.

Q Did they all live to be grown? A No sir, only two of them lived to be grown.

Q You have two brothers who left descendants, did you? A No sir, one married and the other was single.

Q Are any of the children of the married one living at this time?

A Yes sir.

Q How many? A Three I believe of my brother's children, in Texas.

Marancy A. Dean--5

- Q What are their names? A He has one son named Jeremiah Ellis-
he hasn't but two children living-George W/ Ellis. They live at
Houston, Texas.
- Q How many sisters did you have? A I don't know-I haven't got but
one living. There was thirteen of us and they nearly all died.
- Q How many of your sisters lived to be grown? A I had three sis-
ters to marry, Mrs. Burford, Mrs. Byars and Mrs. Wiley.
- Q Did Mrs. Byars leave any descendants? A Yes sir.
- Q Are any of her children living now? A Yes sir, she has four or
five.
- Q Can you name them? A Yes sir.
- Q What are their names? A Louis Byars, Joe Byars, Goodlet Byars,
Frank Byars and a daughter Blanche Byars.
- Q Is she married? A Yes sir.
- Q What's her husband's name? A Bolling.
- Q Are any of the descendants of Mrs. Wiley living? A No.
- Q Are any of your mother's brothers or sisters living? A No sir.
- Q How many brothers did she have? A I don't know.
- Q Do you remember the names of any of them? A No sir-except Jephtha
Walker-he's the only brother I remember-he's dead.
- Q Are any of Jephtha Walker's children living? A yes sir.
- Q How many? A There's four boys and five girls.
- Q Name the boys? A Montezumas Walker.
- Q Does he live in Indian Territory? A yes sir.
- Q What's the name of the next one? A Jephtha Walker.
- Q Next one? A Jabers Walker.
- Q Next one? A Will Walker.
- Q Is that all? A That's all the boys.
- Q Do you remember the name of any one of your mother's sisters?
A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a white woman-
shows no indications of being possessed of Indian blood-
she does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all proceedings had in the above entitled cause, heard at Meridian,
Mississippi, February 12th, 1902, and that the above and foregoing is a
full, true and correct transcript of his stenographic notes taken
in said proceedings on said date.

Subscribed and sworn to before me this the 5th day of March, 1902,
at Philadelphia, Mississippi.

L. B. Mosley
Clark U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4749.

ALLISON L. AVIESWORTH
SECRETARY

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Marancy A. Dean,

Senatobia, Mississippi.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------------|---------------|
| John W. Lipsey, | M. C. R. 3800 |
| Mattie Alva Mason, et al., | M. C. R. 3494 |
| George W. Ellis, Sr., et al., | M. C. R. 4698 |
| William E. Ellis, et al., | M. C. R. 5545 |
| Itasca M. Coles, et al., | M. C. R. 5547 |
| John J. Ellis, sr., et. al., | M. C. R. 5546 |
| Maggie Wiles, | M. C. R. 5548 |
| Joshua J. Ellis, | M. C. R. 5549 |
| Charlie O. Ellis, et al., | M. C. R. 5348 |
| Walter H. Ellis, | M. C. R. 5349 |
| Dora Gertrude Ellis Hargus, et al., | M. C. R. 5393 |
| Bersheba J. Burford, | M. C. R. 4617 |
| Lillian C. House, | M. C. R. 4751 |
| Peyton M. Self, et al., | M. C. R. 4616 |
| Marancy A. Dean, | M. C. R. 4749 |
| Mattie J. Myers, et al., | M. C. R. 5318 |
| Lelia E. Myers, | M. C. R. 5319 |
| Texana Tibbs, | M. C. R. 5320 |
| Charles E. Walker, et. al., | M. C. R. 5414 |
| Mary E. Brown, et al., | M. C. R. 5415 |
| John S. Walker, et al., | M. C. R. 5417 |
| Henry S. Walker, et al., | M. C. R. 5418 |
| Kate R. Coker, | M. C. R. 5416 |
| Ada D. Williams, | M. C. R. 4533 |
| Ann J. Garrard, | M. C. R. 5413 |
| Cornelia R. Blair, | M. C. R. 4538 |
| Nellie D. House, et al., | M. C. R. 4750 |
| Leonidas G. Dean, et al., | M. C. R. 4540 |
| David W. Dean, | M. C. R. 4534 |

| | |
|------------------------------|---------------|
| Walker Sanders, | M. C. R. 5000 |
| Montezuma V. Walker, et al., | M. C. R. 4319 |
| Malcolm E. Walker, | M. C. R. 4326 |
| Jeff E. Walker, | M. C. R. 4327 |
| William J. Walker, et al., | M. C. R. 4615 |
| Junia T. Gordon, et al., | M. C. R. 4539 |
| Jabers N. Walker, | M. C. R. 3795 |
| Sarah E. Eavenson, et al., | M. C. R. 4537 |
| Jeptha L. Walker, et al., | M. C. R. 4536 |
| Laura A. Ray, et al., | M. C. R. 4532 |
| Mattie Blass, | M. C. R. 4535 |

These applications were made under the provision of the act of Congress of June 28, 1808, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Eltjah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Tamc Bixby.

Acting Chairman.

COPY.

M.C.R. 4740.

Muskogee, Indian Territory, July 29, 1903.

Marancy A. Dean,

Senatobia, Mississippi.

Dear Madam:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

T. B. Neenan,
Commissioner in Charge.

#1770

No. 4719

For Identification as a Mississippi Choctaw.

Meridian Miss

Date

FEB 12 1902

Name

Marancy A. Dean

Age

58

Blood

$\frac{1}{8}$

Post Office,

Senalobia, Miss.

Father:

Joshua J. Ellis

&

Mother:

Barshaba W. "

&

Claims through mother.

husband

David L. Dean

L.

No claim for him.

Claim for myself.

Children:

mother's mother, Sarah Booth

J. S. Kile

Choctaw MCR 4750

Nellie D. House

See MCR 3800

MCR 4750

4750
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 12th, 1902.

In the matter of the application of Nellie D. House for the identification of herself and five minor children, Sam L., Nell, Edna, David L., and Mabel House, as Mississippi Choctaws.

Said Nellie D. House, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Nellie D. House.
Q How old are you? A Forty-two years old.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your postoffice address? A Senatobia, Mississippi.
Q What County? A Tate County.
Q How long have you lived in Tate County? A All my life-born there.
Q Is your father living? A Yes sir.
Q What's his name? A David L. Dean.
Q Is your mother living? A No sir-died in '78.
Q What was her name? A Martha E. Walker.
Q Through which one of your parents do you get your Choctaw blood?
A Through my mother.
Q How old was she when she died? A She was thirty-six.
Q Where was she born-your mother? A She was born in Texas. She come here when she was quite young-about ten years old I believe.
Q She lived in Tate County from that time until her death. A Yes sir.
Q Through which one of her parents did she get her Choctaw blood?
A Her father.
Q What was his name? A Jephtha Walker.
Q How much Choctaw blood did he have? A About a quarter.
Q How long has Jephtha Walker been dead? A He's been dead about twelve or fourteen years.
Q About how old was he when he died? A Somewhere in the sixties.
Q Where was he born? A He was born in Georgia.
Q How old was he when he left there? A I don't know.
Q Where did he go from Georgia? A To Texas.
Q How long did he stay out there? A But a few years and then moved back to Mississippi.
Q Do you know what year it was that he reached Mississippi? A No sir.
Q Did he speak or understand the Choctaw language? A No sir-I never heard him.
Q Through which one of his parents did he get his Choctaw blood?
A His mother-Sarah Booth.
Q Did you ever see Sarah? A No sir.
Q Where did she live during her life time? A She lived in Georgia-I think.
Q Where was Sarah born-do you know? A No sir, I don't know.
Q Do you know how old she would be if she were living now? A No sir I have no idea.
Q She was one half Choctaw blood, according to your testimony? A That's to the best of my knowledge-I've been told that.
Q Through which one of her parents did she get her Choctaw blood?
A I don't know anything about that.
Q Did she ever live here in Mississippi? A No sir, I don't think

she ever did.

Q What's the name of your husband? A Sam J. House.

Q Has he any Choctaw blood? A No sir.

Q You make no claim for him, then? A No sir.

Q How many children have you living, for whom you want to make application? A Five.

Q What are their names and ages? A Sam L. House.

Q How old? A Thirteen.

Q Next one? A Nell House.

Q How old? A Eleven.

Q Next one? A Mena.

Q How old? A Nine.

Q Next one? A David L.

Q How old? A Five.

Q Next one? A Mabel.

Q How old? A Eight months old.

Q These are all the children of yourself and Sam J. House? A Yes sir.

Q They are all living with you now, are they? A Yes sir.

Q This application, then, is for yourself and five minor children?

A Yes sir.

Q Is your name or the name of any one of these children on any of the Choctaw Tribal rolls in Indian Territory? A I don't know.

Q Has any application ever been made before today for you or any of these children looking to the establishment of your rights as Choctaw Indians? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under article 14 of the treaty of Dancing Rabbit Creek? A I do.

Q Do you understand that 14th article? A Yes sir, I do.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No sir.

Q Did any of them own an improvement here in the old Choctaw nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir.

Q Did any of them, in fact, live here at that time? A No sir, I don't think they did. They came here later than that.

Q What time did they come here? A I don't know-I think it was about '36.

Q Did any of your ancestors move out to the new Choctaw Nation west of the Mississippi River at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1836? A They did not.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens and take land? A No sir, I don't think they did.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A They did not.

Q Did any of them ever get any land from the Government under any other provision of that treaty? A Not as I know of.

Q Did any of them ever get any money from the Government? A No sir.

Nellie D. House et al--3

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, never did.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land, under that article. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here between the years 1837 and 1842 and held sessions here in Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Did not, as I know of.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A Not as I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A I do not.

Nellie D. House et al--4

- Q Have you any written evidence of any kind to offer at this time?
A No sir.
Q Have you any witnesses here to testify in your case? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q Have you any brothers living? A I have two.
Q What are their names? A Leonidas G. Dean and David L. Dean.
Q They have heretofore appeared before the Commission, have they not?
A Yes sir.

This applicant has the appearance of being a white woman—shows no indications of being possessed of Indian blood—she does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 12th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 5th day of March, 1902, at Philadelphia, Mississippi.

L. B. Mosley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

COPY

COMMISSIONERS

HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M.C.R. 4750.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Nellie D. House,

Senatobia, Mississippi.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------------|---------------|
| John W. Lipsey, | M. C. R. 3800 |
| Mattie Alva Mason, et al., | M. C. R. 3494 |
| George W. Ellis, Sr., et al., | M. C. R. 4698 |
| William E. Ellis, et al., | M. C. R. 5545 |
| Itasca M. Coles, et al., | M. C. R. 5547 |
| John J. Ellis, sr., et. al., | M. C. R. 5546 |
| Maggie Wiles, | M. C. R. 5548 |
| Joshua J. Ellis, | M. C. R. 5549 |
| Charlie O. Ellis, et al., | M. C. R. 5348 |
| Walter H. Ellis, | M. C. R. 5349 |
| Dora Gertrude Ellis Hargus, et al., | M. C. R. 5393 |
| Bersheba J. Burford, | M. C. R. 4617 |
| Lillian C. House, | M. C. R. 4751 |
| Peyton M. Self, et al., | M. C. R. 4616 |
| Marancy A. Dean, | M. C. R. 4749 |
| Mattie J. Myers, et al., | M. C. R. 5318 |
| Lelia E. Myers, | M. C. R. 5319 |
| Texana Tibbs, | M. C. R. 5320 |
| Charles E. Walker, et. al., | M. C. R. 5414 |
| Mary E. Brown, et al., | M. C. R. 5415 |
| John S. Walker, et al., | M. C. R. 5417 |
| Henry S. Walker, et al., | M. C. R. 5418 |
| Kate R. Coker, | M. C. R. 5416 |
| Ada D. Williams, | M. C. R. 4533 |
| Ann J. Garrard, | M. C. R. 5413 |
| Cornelia R. Blair, | M. C. R. 4538 |
| Nellie D. House, et al., | M. C. R. 4750 |
| Leonidas G. Dean, et al., | M. C. R. 4540 |
| David W. Dean, | M. C. R. 4534 |

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|------------------------------|---------------|
| Walker Sanders, | M. C. R. 5000 |
| Montezuma V. Walker, et al., | M. C. R. 4319 |
| Malcolm E. Walker, | M. C. R. 4326 |
| Jeff E. Walker, | M. C. R. 4327 |
| William J. Walker, et al., | M. C. R. 4615 |
| Junia T. Gordon, et al., | M. C. R. 4539 |
| Jabers N. Walker, | M. C. R. 3795 |
| Sarah E. Eavenson, et al., | M. C. R. 4537 |
| Jeptha L. Walker, et al., | M. C. R. 4536 |
| Laura A. Ray, et al., | M. C. R. 4532 |
| Mattie Blass, | M. C. R. 4535 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Tame Dixby.

Acting Chairman.

M.C.R. 4750.

COPY.

Muskegee, Indian Territory, July 29, 1903.

Nellie D. House,

Senatobia, Mississippi.

Dear Madam:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(ENCL)
T. B. Needles.

Commissioner in Charge

No. 4753

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

FEB 1st 1902

Name Nellie D. House

Age 42

Blood 1/16

Post Office, Senatobia, Miss.

Father: David L. Dean L

Mother: Martha E. Walker S

Claims through mother

husband

Sam J. House L

No claim for husband.

Claim for sister & child.

Children:

Sam L. House 13

Nell " 11

Edna " 9

David L. " 5

Mabel " 8 mo

mother, father, Jephtha Hudson
mother & Jephtha - Sarah Booth

Stenographer J. S. Niles

Choctaw MCR 4751

Lillian C. House

See MCR 3800

MCR 4751

4751

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 12th, 1902.

In the matter of the application of Lillian C. House for the identification of herself alone as a Mississippi Choctaw.

Said Lillian C. House, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Lillian C. House.
Q How old are you? A Twenty.
Q How much Choctaw blood have you? A One thirty-second.
Q What's your postoffice address? A Senatobia, Mississippi, Tate County.
Q How long have you lived in Tate County? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Henry M. Callicott.
Q Is your mother living? A No sir.
Q What was her name? A Mittie Burford Callicott.
Q Through which one of your parents did you get your Choctaw blood? A Mother.
Q How long has your mother been dead? A Eighteen years.
Q How old was she when she died? A She was twenty-two or twenty-three-twenty-three I think.
Q Did she live in Mississippi all her life? A Yes.
Q In Tate County? A Yes sir.
Q Through ~~xxx~~ which one of her parents did she get her Choctaw blood? A Mother.
Q What was her name? A Bersheba J. Burford.
Q Is she living now? A Yes sir.
Q Where does she live? A In Independence, Mississippi.
Q Application has been made in her behalf, has it not? A Yes.
Q Has she lived in this State all her life? A No, she was born in Georgia.
Q How old is she-do you know? A She's sixty-seven I think. About that.
Q Has she lived in this State ever since her removal from Georgia? A Yes sir.
Q Do you remember when that was? A It was when she was about four or five years old.
Q Through which one of her parents did she get her Choctaw blood? A Through her mother.
Q What was her name? A Bersheba Walker-she married an Ellis.
Q Through which one of her parents did Bersheba Ellis get her Choctaw blood? A Through her mother, Sarah Booth-she got her Choctaw blood through her father Black John Booth.
Q How much Choctaw blood did Black John Booth have? A He was half Indian.
Q Do you know the name of his father or mother? A No.
Q Do you know how old he would be if he were living now? A No.
Q What is the name of your husband? A Sam J. House Jr.
Q Has he any Choctaw blood? A No.
Q You make no claim for him? A No.
Q You have no children? A No.
Q This application is for yourself only? A Yes.
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A I don't know.

Lillian C. House--2

Q Has any application of any description ever been made for you before today looking to the establishment of your rights as a Choctaw
A No.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits under it? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.

Q Did any of them, in fact, live here at that time? A No.

Q Where did they live-your Choctaw ancestors-in 1830? A They lived in Georgia.

Q Do you know when they moved over here in Mississippi? A In '36.

Q That's a matter of family history, is it? A Yes.

Q Did any of your Choctaw ancestors move out to the new Choctaw Nation west of the Mississippi River when the main portion of the Tribe moved out there between the years 1833 and 1838? A Not that I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No.

Q Or under any other article of that treaty? A No.

Q Or under the supplement to that treaty? A Not that I know of.

Q Did any of them ever get any money from the Government? A Not that I know of.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q You have heard here today an explanation ~~in~~ of the causes which brought about certain acts of Congress between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear ~~the~~ ~~these~~ these Choctaw claims under the 14th article of the treaty of Dancing Rabbit Creek, have you not? A Yes.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select, in the place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Lillian C. House--3

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No.

Q Have you any written evidence of any kind to offer at this time in support of your application? A No.

Q Have you any witnesses here today to testify in your case? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A I desire to have the testimony of Mrs. Ada Williams which has already been introduced in support of certain applications of persons who are descendants of the same common ancestor as I am considered in connection with my application.

Q Have you any brothers or sisters living? A No-I have two half brothers but they are on my father's side.

Q They have no Choctaw blood? A No.

Q Are any of your mother's brothers or sisters living? A No.

Q Did she ever have any brothers or sisters? A She had one sister.

Q Did she leave descendants? A Yes sir.

Q How many? A Three.

Q Are they living now? A Yes.

Q What are their names? A Peyton Self, Will E. Self, Lillian G. Self.

Q They are minor children-are they? A Yes sir, their father made application for them a few days ago.

Q Are any of the brothers or sisters of your grandmother Bersheba J. Burford living? A She has one sister living.

Q What's her name? A Marancy A. Dean.

Q Is she the Marancy A. Dean who has appeared before the Commission here today and made application for identification as a Mississippi Choctaw? A Yes.


Q Do you speak or understand the Choctaw language? A No.

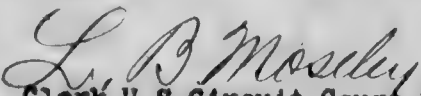
This applicant has the appearance of being a white woman-shows no indications of being possessed of Indian blood-she does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full

Lillian C. House--4

all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 12th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 5th day of March, 1902,
at Philadelphia, Mississippi.


Clerk U.S. Circuit Court, Southern
District of Mississippi.

By 

Deputy.

COPY

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING

M.C.R. 4751.

ALLISON L. AYLESWORTH
SECRETARY

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Lillian C. House,
Senatobia, Mississippi.

Dear Madam:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------------|---------------|
| John W. Lipsey, | M. C. R. 3800 |
| Mattie Alva Mason, et al., | M. C. R. 3494 |
| George W. Ellis, Sr., et al., | M. C. R. 4698 |
| William E. Ellis, et al., | M. C. R. 5545 |
| Itasca M. Coles, et al., | M. C. R. 5547 |
| John J. Ellis, sr., et. al., | M. C. R. 5546 |
| Maggie Wiles, | M. C. R. 5548 |
| Joshua J. Ellis, | M. C. R. 5549 |
| Charlie O. Ellis, et al., | M. C. R. 5348 |
| Walter H. Ellis, | M. C. R. 5349 |
| Dora Gertrude Ellis Hargus, et al., | M. C. R. 5393 |
| Bersheba J. Burford, | M. C. R. 4617 |
| Lillian C. House, | M. C. R. 4751 |
| Peyton M. Self, et al., | M. C. R. 4616 |
| Marancy A. Dean, | M. C. R. 4749 |
| Mattie J. Myers, et al., | M. C. R. 5318 |
| Lelia E. Myers, | M. C. R. 5319 |
| Texana Tibbs, | M. C. R. 5320 |
| Charles E. Walker, et. al., | M. C. R. 5414 |
| Mary E. Brown, et al., | M. C. R. 5415 |
| John S. Walker, et al., | M. C. R. 5417 |
| Henry S. Walker, et al., | M. C. R. 5418 |
| Kate R. Coker, | M. C. R. 5416 |
| Ada D. Williams, | M. C. R. 4533 |
| Ann J. Garrard, | M. C. R. 5413 |
| Cornelia R. Blair, | M. C. R. 4538 |
| Nellie D. House, et al., | M. C. R. 4750 |
| Leonidas G. Dean, et al., | M. C. R. 4540 |
| David W. Dean, | M. C. R. 4534 |

| | |
|------------------------------|---------------|
| Walker Sanders, | M. C. R. 5000 |
| Montezuma V. Walker, et al., | M. C. R. 4319 |
| Malcolm E. Walker, | M. C. R. 4326 |
| Jeff E. Walker, | M. C. R. 4327 |
| William J. Walker, et al., | M. C. R. 4615 |
| Junia T. Gordon, et al., | M. C. R. 4539 |
| Talbert N. Walker, | M. C. R. 3795 |
| Sarah E. Ravenson, et al., | M. C. R. 4537 |
| Jephtha L. Walker, et al., | M. C. R. 4536 |
| Laura A. Ray, et al., | M. C. R. 4532 |
| Mattie Blass, | M. C. R. 4535 |

These applications were made under the provision of the act of Congress of June 28, 1898. (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis,, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jephtha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

RECORDED

James P. Ryan
Acting Chairman.

M.C.R.4751.

copy.

Muskogee, Indian Territory, July 29, 1903.

Lillian C. House,
Senatobia, Mississippi.

Dear Madam:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Neal
Commissioner in Charge

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No. 2751

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date FEB 12 1902

Name Lillian C. House

Age 20

Blood $\frac{1}{32}$

Post Office, Senatobia, Miss.

Father: Henry M. Callicott d

Mother: Mittie B. .. d

Claims through mother. ~~W~~
~~husband~~

Sam J. House Jr. d
No claim for husband

Claims for self .. d

Children:

mother Berkeba J. Buford

Choctaw MCR 4752

Hattie Bettes

See MCR 934

MCR 4752

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 17, 1902.

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In the matter of the application for identification as Mississippi Choctaws of Hattie Bettes for herself and her minor child, Blanche Bettes.

Applicants not represented by attorney.

Hattie Bettes being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Hattie Bettes.
Q B-e-t-t-e-s? A Yes, sir.
Q What is your age? A I am twenty-four.
Q What is your post office address? A Ivanhoe, Texas.
Q How long have you lived at Ivanhoe? A About six years.
Q Where did you live before you lived there? A Bonham.
Q Where were you born? A Louisiana.
Q Where in Louisiana? A Well, I don't know.
Q About what was your age when you left the state of Louisiana? A I was eleven years old.
Q From there did you go to Texas? A Yes, sir.
Q What place in Texas? A Bonham.
Q And have lived there since, in Texas? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A John Morgan.
Q What was your mother's name? A Before she was married?
Q Just her given name? A Phyllis.
Q P-h-y-l-l-i-s is it? A Yes, sir; I think so.
Q Through which parent do you claim Choctaw blood father or mother? A On my mother's side.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory; that is has she ever been recognized by the Indians in Indian Territory and enrolled by them? A No, sir.
Q She has never lived in the Indian Territory has she? A No, sir.
Q Are you married? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q He is a white man of course, that is you don't claim any Choctaw blood for him? A No, sir.
Q What is his name? A George Bettes.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A I have one.
Q What is the name of that child? A Blanche.
Q B-l-a-n-c-h-e? A Yes, sir.
Q How old is she? A Ten months old.
Q Was George Bettes ever married before his marriage to you? A Yes, sir.
Q Are there any children by his former marriage that you want to

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make application for? A No, sir.

Q This is his child that you want to make application for? A Yes, sir.

Q And you make application for yourself and one child? A Yes, sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation to your knowledge? A No, sir.

Q You are not an Indian, enrolled here as one? A No, sir; not enrolled.

Q Then your name is not on the tribal rolls to your knowledge? A No, sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.

Q Did you ever before this time seek to become enrolled as a member of the Choctaw tribe of Indians by making application to either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.

Q Do you now come before the Commission for the purpose of being identified and for the identification of your child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? No answer.

Q Do you claim under article fourteen of that treaty or do you claim under the whole treaty. You will have to answer the question one way or the other? A I don't know.

Q You don't understand that treaty? A No, sir.

Q And you don't understand article fourteen do you? A No, sir.

The treaty of Dancing Rabbit Creek was made between the United States government and the Choctaw tribe of Indians who lived at that time in the old Choctaw Nation which was partly in Mississippi and partly in Alabama, at a place called Dancing Rabbit Creek on the 27th day of September 1830 and was made for the purpose of removing all of the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who wanted to stay back there in the old Choctaw Nation article fourteen was drafted and put into the treaty. After that article was incorporated into the treaty, the treaty was signed and later on the 24th of February 1831 it was ratified. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee

simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Article fourteen as has been stated before was put into this treaty for the especial benefit of Mississippi Choctaw Indians, so called. Do you claim under that part of the treaty, that article, or do you claim under the whole treaty? A I don't know myself.
- Q Did you understand it after having heard it read and explained to you. Do you understand what that treaty was made for? A No, sir.
- Q It was made for the purpose of removing the Choctaw Indians from the old Choctaw Nation to the new Choctaw Nation West of the Mississippi River. You understand that do you not? No answer.
- Q Then you also understood that I stated that a good many Indians would not go? A Yes, sir.
- Q Then article fourteen was drafted and put into the treaty for their especial benefit, you understand that? A Yes, sir.
- Q Then the treaty was afterwards signed with that article included and then did you understand that these people who stayed back there were compelled to go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay there, take land there and become citizens of the United States. You understand that? A Yes, sir.
- Q Well that is about all there is for you to understand. Now don't you understand that article. Do you think you can claim under it or don't you understand it so that you can claim under it. You don't have to know every little particular thing about it. Are you not able to answer the question. Do you think you claim under that article? A Yes, sir.
- Q Now do you know whether any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A My mother's sister.
- Q Any of your ancestors, your kins-people way back in a direct line to your remotest great grandfather or great grandmother? A Yes sir, I guess so.
- Q Now you don't know that? A No, sir.
- Q Then you must say you don't know? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as Mississippi Choctaw? A I don't understand the question.
- Q What is the name of your relative that you claim your rights through? A Millers.
- Q What is the full name, John, Jim or Henry? A No, sir; Hughes M. Miller.
- Q Just let me see how that name is spelled? A I don't know
- Q What relation was he to you? A My ---- grandfather.
- Q How much Choctaw blood did he claim to have? A I don't know.
- Q You never heard? A No, sir.
- Q Did he ever live in Mississippi or Alabama? A I don't know sir whether he did or not.
- Q Do you know whether he claimed his Choctaw blood through his father or mother? A His mother I think.
- Q Did Hugh M. Miller, your grandfather live in Mississippi in 1830 and have a family there at that time? A I don't know sir.
- Q Can you give me the names of any of your ancestors who did live in Mississippi in 1830? A No, sir.
- Q How old would Hugh Miller be if living now? A I don't know sir

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- Q Do you know when he was born? A No, sir.
- Q Is this which you offer now taken from the family record? Yes sir.
- Q In these pages which you say were taken from your family bible the name of one H. M. Miller appears is that the Hugh M. Miller, your grandfather? A Yes, sir.
- Q This record states that he was born September 11, 1808; is that right; was that the date of his birth? A I don't know.
- Q Well this record says so; is this record right? A Yes, it is right I guess but I don't know.
- Q Well look at it here and see what it states? A That is what it says.
- Q Then he would be ninety four years old if living now? A I guess so.
- Q Do you know whether he was born in Mississippi or Alabama or where he was born? A No, sir.
- Q You never heard that he lived in Mississippi or any other of your ancestors? A No, sir; I don't think I did.
- Q You claim through your mother; was Hugh M. Miller her father? A Yes, sir.
- Q Did you ever hear that you mother lived in Mississippi or Alabama? A No, sir.
- Q How can you claim to be a descendant from Mississippi Choctaw ancestors when you don't know that you had an ancestor who lived in Mississippi? A Well I know some of my relatives had a claim here.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A I don't know.

The Choctaw Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of eighteen hundred and thirty was ratified, were required, if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent whose name was Colonel Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. As a result of his neglect to make a proper record of the names of all Indians who complied with article fourteen of the treaty of 1830 in that respect a good many Indians who had land in Mississippi upon which they had improvements, lost both their land and the improvements they had

upon it, both were taken from them by the government and sold at the public land sales. This caused a great many complaints among the Choctaw Indians, so that in 1837, by act approved March 3, of that year Congress appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of eighteen hundred and thirty. In 1842 by act approved August 23, 1842, Congress appointed another Commission which went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions, that of 1837 or the Commission of 1842 and claim benefits as Choctaw Indians under article fourteen of that treaty?
A No, sir; I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it further appeared that he had had land in Mississippi which the government had taken from him formerly and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government lands and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors get any such scrip from the United States government as Choctaw Indians? A I don't know.
Q Have you had any relatives who have appeared here to be identified as Mississippi Choctaws, before this date? A Yes, sir.
Q What are the names of some of the relatives who have appeared? A William Miller, most of them calls him Bill Miller.
Q What relation is William J. Miller to you? A Second cousin.
Q What relation is Austin Miller to you? A He is a second cousin too.
Q Do they claim through the same common ancestor Hugh M. Miller? A Yes, sir.
Q You say you claim through the same common ancestor through whom your second cousin William J. Miller claims? A Yes, sir.
Q But he claims through his paternal grandmother Susan Pitchlyn and you claim through Hugh M. Miller what relation was Susan Pitchlyn to Hugh M. Miller? A She was his mother.
Q Hugh M. Miller's mother? A Yes, sir.
Q So that you, if you went back one generation, would also claim through Susan Pitchlyn? A Yes, sir.
Q Do you want the record made in the case of William J. Miller and also in the case of Austin Miller considered with your case when that is taken up for consideration by the Commission? A Yes, sir.

Reference is here made to William J. Miller, M.C.R. 934
Austin Miller, M.C.R. 3381

- Q Do you speak or understand the Choctaw language? A No, sir.
Q Is there anything further you want to say in support of this claim; anything further you want to say? A No, sir.
Q Have you any documentary evidence or any other evidence you want to introduce at this time? A No, sir.

Applicant excused.

William James Miller called as a witness in behalf of this applicant being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A William James Miller.
- Q Are you the same William J. Miller who made application to be identified as a Mississippi Choctaw before the Commission at Muskogee, Indian Territory, October 24, 1900? A Yes, sir.
- Q What is your age? A Fifty-four.
- Q What is your post office address? A Roberta.
- Q You have changed your address from Durant? A Yes, sir.
- Q How long have you lived at Roberta? A I went there the second day of last month.
- Q What is your occupation? A Farmer.
- Q Do you know Hattie Batten? A Yes, sir.
- Q What relation is she to you? A Second cousin.
- Q She claims her Choctaw blood through her grandfather Hugh M. Miller? A Yes, sir.
- Q You claim through Susan Pitchlyn? A Yes, sir; The way it is her grandfather was a brother to my father Jake Miller and their mother was Susan Pitchlyn.
- Q Did Hugh M. Miller live in Mississippi? A Yes, sir.
- Q Did Susan Pitchlyn live in Mississippi? A Yes, sir.
- Q Did Hugh M. Miller live in Mississippi in 1830 and have a family there at that time? A I don't recollect, I was born in 1847.
- Q Don't you recall whether Hugh M. Miller lived there in Mississippi? A I don't know. I know her father and him lived there and left there and came to Louisiana.
- Q Did Susan Pitchlyn live there in 1830 and have a family there at that time? A I don't know.
- Q Hugh M. Miller was born in what year? A I can state unless I look over the record.
- Q Well you have seen the family record in the bible? A Yes, sir.
- Q Well, that states that he was born in the year 1808? A That is what I saw in the record.
- Q What record was that? A That is,--that was in the family bible.
- Q Of what family, belonged to whom? A I think it was on Hugh's.
- Q John Hugh's? A Uncle Hugh Miller.
- Q Who was he? A That was the Hugh Miller that you have down there.
- Q The grandfather of this applicant? A Yes, sir.
- Q Do you know whether Hugh M. Miller or any other ancestor of this applicant ever complied or attempted to comply with article fourteen of the treaty of 1830? A Not as I know of.
- Q How old would Hugh M. Miller be if living now? A I don't know only what I heard you say a minute ago.
- Q Well he was born in 1808, he would be ninety-four years old? A Yes, sir.
- Q Did he have an Indian name or speak the Choctaw Indian language? A Not as I know of.
- Q How much Choctaw blood did he have? A What the relations tells me that their mother was a half breed.
- Q Whose mother? A Jake and Hugh Miller's mother.
- Q How much would Hugh be then? A I don't know.
- Q One-half of one-half which is one-quarter? A Yes, sir.
- Q In your application which you made before the Commission you stated that you claimed one-quarter yourself; but, Hugh M. Miller was a brother of your father, was he not? A Yes, sir.
- Q And your father's name was what? A Jake Miller.
- Q And Jake Miller would have the same blood that his Brother Hugh M. Miller had? A Yes, sir.

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- Q Well you testified that Hugh M. Miller had one-quarter, of course your father, his brother, would have one-quarter? A Yes, sir.
- Q And you would have one-half of your father? A Yes, sir.
- Q Then you would have one-eighth? A I don't know how to divide it up.
- Q Well that is the way to divide it up? A Yes, sir.
- Q How much Choctaw blood would this young lady have, whose grandfather was Hugh M. Miller? A I can't tell you that.
- Q Well you say Hugh M. Miller had one-half? A Yes, sir.
- Q Was Phillis Morgan his daughter? A Yes, sir.
- Q Then Phillis would have one-eighth, one-half of one-quarter would she not? A Yes, sir.
- Q And this young lady would have one-half of one-eighth or one-sixteenth, you think that is right? A Yes; it looks like to me that is right.
- Q She would have half the quantity that you have and it has been shown that you have one-eighth, therefore she would have one-sixteenth which is one-half of what her mother had? A Yes, sir.
- Q Is there anything further that you want to say in support of this claim? A No, sir.

Witness excused.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair; black eyes; medium dark complexion. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

Subscribed and sworn to before me this 20th day of February 1902.

G. Rosenwinkel
Charles W. Stetson

Notary Public.

COPY.

COMMISSIONER
HENRY L. DAWG
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN REPLY TO THE FOLLOWING:

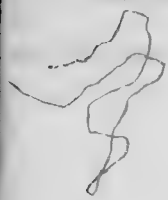
M.C.R., 4752.

Muskogee, Indian Territory, January 22, 1903.

Hattie Bettes,

Ivanhoe, Texas.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:



| | |
|------------------------------|------------|
| W. J. Miller, et al., | M C R 934 |
| Pearl Barnett, et al., | M C R 3819 |
| Cordelia Wheless, et al., | M C R 3382 |
| Emma Wheless, | M C R 3383 |
| Austin Miller, et al., | M C R 3381 |
| Hattie Bettes, et al., | M C R 4752 |
| Carrie E. Alderson, | M C R 4938 |
| Julia D. Alderson, et al., | M C R 4937 |
| Iva Moore, et al., | M C R 4939 |
| Lula Sims, et al., | M C R 4943 |
| Alice Teague, et al., | M C R 4956 |
| Lillian Arledge, et al., | M C R 4957 |
| Zella Arledge, et al., | M C R 4961 |
| Sarah Adams, et al., | M C R 4955 |
| Marvin H. Adams, | M C R 4962 |
| Lena Broom, et al., | M C R 4940 |
| Nancy I. Locke, et al., | M C R 4930 |
| Nancy Daniel Locke Goodman, | M C R 4942 |
| Richard H. Locke, | M C R 4932 |
| John M. Locke, et al., | M C R 4934 |
| Mary Elizabeth Locke, | M C R 4933 |
| Thomas Clay Locke, et al., | M C R 4931 |
| Edward J. McDade, et al., | M C R 5373 |
| Joseph L. McDade, et al., | M C R 4958 |
| Martha L. Platt, et al., | M C R 4936 |
| Mattie White, et al., | M C R 4941 |
| Orrin F. Platt, | M C R 4935 |
| Alexander J. McDade, et al., | M C R 4949 |
| Exer Mand Guss, et al., | M C R 4950 |
| Leona T. McDade, | M C R 4945 |
| Jerry S. Hilman, et al., | M C R 5376 |
| John F. Alford, et al., | M C R 5374 |
| Dorset E. Alford, | M C R 4944 |
| John W. Hudson, et al., | M C R 5375 |
| Neal F. McDade, et al., | M C R 5377 |
| Patrick J. Barnett, et al., | M C R 4947 |
| Nona Belle Barnett, | M C R 4948 |

| | |
|--------------------------|------------|
| Charles Wesley Edwards, | M C R 1946 |
| Virginia E. Nix, et al., | M C R 6304 |
| Charlie A. Hilman, | M C R 6311 |
| Julia Compton, et al., | M C R 6312 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 195) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Forest Wheless, Mattie Lee Wheless, Loulei Violet Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Berta Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully, W. G. NED

Tams Bixby.

Acting Chairman.

Registered.

MCR-4752

COPY
Muskogee, Indian Territory, April 18, 1907.

Hattie Bettes,
Ivanhoe, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name *Mattie Bettes*

Age *24* — Blood *Don't Know.*

Post Office, *Doanhoe, Texas.*

Father: *John Morgan, d.*

Mother: *Phyllis .. d.*

Claims through *mother.*
husband,
George Bettes, l.w.

No claim for husband.

Children:

Blanche Bettes, 10 m.

*Claims for self, and
child.*

Stenographer *G. Roumwinke.*

Choctaw MCR 4753

Fannie Cox

MCR 4753

Choctaw MCR 4753

Fannie Cox

MCR 4753

Sub

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Fannie Cox, et al.,
for identification as Mississippi Choctaws, M. C. R. 4753.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Fannie Cox, et al.

Page.

| | |
|--|---|
| Original application of Fannie Cox, et al., to the Dawes
Commission for identification as Mississippi Choctaws - - - - - | 1 |
| Affidavit of Richard Cox - - - - - | 7 |
| Decision of the Commission refusing the application of
Fannie Cox et al., for identification as Mississippi
Choctaws - - - - - | 8 |

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 17, 1902.

4753

In the matter of the application for identification as Mississippi Choctaws of Fannie Cox for herself and her four minor children, Richard, Willie and Missie Smart and Ezel Cox.

Applicants not represented by attorney.

Fannie Cox being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Fannie Cox.
Q C-o-x? A Yes, sir.
Q What is your age? A Fifty-two.
Q What is your post-office address? A Wynnewood, I.T.
Q How long have you lived at Wynnewood, Indian Territory? A Ten years.
Q Where did you live before you lived there? A Louisiana.
Q Were you born in Louisiana? A Yes, sir.
Q Do you remember what place in Louisiana? A Bienville, Parish, Louisiana.
Q How old were you when you left the state of Indiana? A Forty-two.
Q And you came to what place in Indian Territory when you were forty two years old? A Wynnewood.
Q Ten years ago? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir; she is living somewhere, I don't know where. They went off and left me when I was small.
Q What was your father's name? A Forest Whitlow.
Q What is your mother's name? A Laura Martin.
Q Did she marry again? A Yes, sir.
Q Through which parent do you claim Choctaw blood? A By my mother she was partly mixed but my father I think was a full blood.
Q You claim through both father and mother? A Yes, I think my father was a full blood. I was given to an old white lady who raised me.
Q How much Choctaw blood do you claim? A I think my father was half blood.
Q How much Choctaw blood did your mother have? A I think she was about one-half or may be one-quarter.
Q If your father was one-half you would be one-half of that? A Yes sir.
Q Your mother was one-quarter you would be one-half of that? A Yes, sir.
Q That would be one-eighth? A Yes, sir.
Q You claim three-eighths do you? A Yes, sir.
Q You testified a little while ago that your father was a full blood and now you say that he was a half blood? A Well he looks like a full blood.
Q What was his other blood? A White
Q Your father was not a slave? A No, sir.

- Q You say your mother was one-quarter Choctaw blood? A Yes, sir.
- Q What was her other blood? A Black.
- Q Then you claim to have white, black and Indian blood? A Yes, sir.
- Q Was your mother a slave before the War? A I reckon she was.
- Q Were you? A I don't know.
- Q You were not free? A No, sir; I was not turned loose until the rest was.
- Q You were considered a slave? A Yes, I was considered part slave.
- Q Well you could not be considered a part slave; you were either a free person or a slave? A The old lady raised me, the old white lady.
- Q You were considered a slave were you not? A Yes; I reckon I was.
- Q And you received your freedom at emancipation did you not? A Yes, sir.
- Q Were your parents ever recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I think my father was.
- Q But he never lived in the Indian Territory? A I don't know.
- Q Did he ever live in the Indian Territory? A I don't know sir.
- Q Then how do you know that he was enrolled as a Choctaw Indian in Indian Territory? A I was always told that.
- Q And yet you don't know that he ever lived here? A He left over there but I don't know where he went to, whether he was ever enrolled or not.
- Q How long has your father been dead? A I don't know.
- Q Where did he die? A I don't know where he died at.
- Q Where did he live when you last knew anything about him? A In Louisiana.
- Q You never heard of him leaving Louisiana? A Yes, but I don't know where he went to. We think he went to the Indian Territory.
- Q What do you mean by him going to the Indian Territory? A We all think he did.
- Q How do you know that? A Only what I was told.
- Q Who told you that he went to the Indian Territory after he left Louisiana? A The old white lady what raised me.
- Q Did she say that he went to the Indian Territory? A Yes, sir.
- Q Did she say when he died? A No, sir.
- Q Where is your mother now? A She is back in Louisiana.
- Q She never was enrolled as a Choctaw Indian in Indian Territory? A No, sir.
- Q Are you married? A Yes, sir.
- Q What is your husband's name? A Richard Cox.
- Q He is living I suppose? A Yes, sir.
- Q What is he, a Negro? A He is a mixed blood Indian, his father was a half Indian.
- Q Has he any white blood? A No, sir.
- Q What kind of Indian is he? A I think he is a Comanche.
- Q Comanche Indian and White is that right? A Black.
- Q Do you make any claim for him? A No, sir.
- Q Now give me the name of the oldest child unmarried and under age that you want to make application for? A They are twins, Dick and Willie.
- Q Richard? A Yes, sir.
- Q How old is Richard? A Eighteen.
- Q Now the next? A He is eighteen.
- Q Don't you call him William? A No; Willie.
- Q How old is he? A Eighteen, they are twin boys.

#3

- Q Now the next boy or girl? A Missie.
Q How old? A She is sixteen.
Q Next? A Ezel.
Q How do you spell that; do you know? A A It starts with a "Z", I don't know how it is spelled.
Q Is that a boy or girl? A Boy.
Q Is that all? A Yes, sir.
Q How old is he? A He is twelve years old.
Q Is Richard Cox the father of these children? A Of one of them I have been married twice.
Q Richard Cox is the father of which one? A To Ezel, the youngest one.
Q What is the name of the father of Richard, Willie and Missie? A Nathan Smart.
Q Negro? A Part Negro; both of them was part Indian and part Negro.
Q What was his Indian blood? A I don't know sir what it was.
Q Is Nathan Smart dead? A Yes, sir.
Q You don't know whether he had any Choctaw blood? A I don't know whether it was Choctaw or not.
Q Your son Richard and his twin brother Willie are the children of your husband Nathan Smart? A Yes, and Missie.
Q Who is now dead? A Yes, sir. Choctaw
Q You don't claim that Nathan Smart had any Indian blood? A I don't know what it was.
Q Whatever Choctaw blood you claim for these children you claim through you do you not? A Yes, sir.
Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not as I knows of.
Q Have you ever made application for citizenship for yourself and children in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to be identified yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article of that treaty? A No, sir; I don't understand it but I have heard it right smart.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830 and was made for the purpose of removing the Choctaw Indians from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory. Before the treaty could be signed however it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interest of these Indians it was necessary to put an article in the treaty which would be satisfactory to them, so article fourteen was drafted and put into the treaty of 1830. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied with the provisions of that article? A My sisters?
- Q Ancestors ever complied with anything stated in that article? A I never have had any sisters.
- Q I mean ancestor; An ancestor is a relative of yours in a straight line back from you; your father or mother; grandfather or grandmother; great grandfather or great grandmother? A Yes, they all left.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; now give me the name of your grandfather or grandmother, whoever you claim through? A Mary Martin--was my grandmother.
- Q Did she live in Mississippi? A Yes, sir.
- Q Did she live there in 1830? A I expect she did.
- Q Did she have a family there in 1830? A I think she did.
- Q How old would Mary Martin be if living now? A Now; she would be over one-hundred years old; she was eighty-five when she died.
- Q When did she die? A Fifteen years ago.
- Q She would be 102 years now? A Yes, sir.
- Q Was she born in Mississippi? A Yes, my mother was too.
- Q How old is your mother now? A I don't know sir; she is pretty old.
- Q How old do you think she would be? A Seventy some odd years.
- Q And she was born in Mississippi? A Yes, sir.
- Q Now did your grandmother Mary Martin own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did she or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent whose name was Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Not as I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A All of my father's people left but I can't tell what time it was; I was nothing but a little baby when they all left.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I think they did in Mississippi.
- Q Do you know? A I think my father had some.
- Q Get it from the government? A I don't know.
- Q Under article fourteen of that treaty? A I could not tell you that.

- Q Did any of your Choctaw ancestors claim any land or receive any in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q You never heard? A No, sir.
- Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know sir.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent whose name was Colonel Ward, within six months from the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to make a complete list of all Choctaw Indian claimants who came before him under article fourteen of the treaty of 1830, caused a good many Indians who had land in Mississippi and Alabama upon which they owned improvements to lose both, for both were taken from them by the government and sold. This caused a great many complaints among the Choctaw Indians, and, as the result of these complaints, Congress, in 1837, appointed a Commission, by act approved March 3, of that year. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. Another Commission was appointed by act of Congress of August 23rd 1842 and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions claiming benefits as Choctaw Indians? A Not that I know of.
- Q Have you any evidence that you want to submit now in support of this claim ; any papers? A I have to have my proof carried back.
- Q You have not got it with you? A No, sir.
- Q You want time in which to produce it? A Yes, sir.

A reasonable time will be allowed this applicant to present further proof in support of her application.

The act of Congress approved August 23rd, 1842, provided, that; if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek; if it also further appeared that he had had land in Mississippi which the government had taken from him and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government lands and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A No, sir; Not as I know of.
- Q Do you speak the Choctaw language? A No, sir.
- Q Have you had any relatives who have appeared here to be identified as Mississippi Choctaws? A No, sir.
- Q You are the first one of your kin folks or family? A I am the first that I know of.

#6

This applicant has the appearance and physical characteristics of being descended from mixed ancestry, of Negro, White and Indian; her hair is long, black and coarse and a little curly. She says it use to be straight but after she had the small-pox it caused it to curl. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830. In her physical appearance the Negro seems to predominate.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

G. Rosenwinkel

Subscribed and sworn to before me, this 31st day of March 1902.

Charles Mitchell
Notary Public.

GA. L.
Cox.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Fannie Cox, et al.,
for identification as Mississippi Choctaws, M. C. R. 4753.

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Fannie Cox for herself and her four minor children, Willie,
Richard and Missie Smart and Ezel Cox, under the following provis-
ion of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may
administer oaths, examine witnesses, and perform all other
acts necessary thereto and make report to the Secretary of
the Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descend-
ants of Mary Martin, who is alleged to have been possessed of some
Choctaw Indian blood (degree thereof not stated) and to have re-
sided in Mississippi in eighteen hundred and thirty; and Forest
(or Fannie) Whitley, who is alleged to have been a half blood

Choctaw Indian, and Laura Whitlow (nee Martin), who is alleged to have been an one-fourth blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Martin, or Forest (or Harris) Whitlow, or Laura Whitlow (nee Martin) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Cox, Willie Smart, Richard Smart, Missie Smart and Ezel

Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Jame Dixey

Acting Chairman.

T. B. Noddles

Commissioner.

C. R. Brookhouser

Commissioner.

Muskogee, Indian Territory,

DEC 6 1907

Miss. Choct. 4753

Muskogee, Indian Territory, February 26, 1902.

Fanny Cox,

Wynnewood, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the twenty fourth instant, inclosing affidavit of Richard Cox, which is offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

COPY

Muskogee, Indian Territory, December 6, 1902.

Fannie Cox,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Fannie Cox, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Cox, Willie Smart, Richard Smart, Missie Smart and Ezel Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to

V.C.-----2.

the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully, •

Tamie D. [illegible]

Acting Chairman.

Register.

Muskogee, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Fannie Cox, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495),

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Cox, Willie Smart, Richard Smart, Missie Smart and Ezel Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James D. Doby.

Acting Chairman.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Fannie Cox, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Acting Chairman.

Enc.: M.C.R.4753.

(COPY)

Refer in reply to the following:
Land-- 76214--1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, Feb. 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Fannie Cox for herself and her four minor children, Willie, Richard, Missie Smart and Exel Cox, for identification as Mississippi Choctaws claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from Mary Martin, who it is alleged, was a Choctaw Indian and a resident in the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830, through

2.

Forest (or Farris) Whitlow and Laura Whitlow, nee Martin.

The Commission rejected the applicants December 6, 1902, because the name of their ancestor under whom they claim does not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Mary Martin, Forest (or Farris) Whitlow and Laura Whitlow nee Martin, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty. Neither does it appear that they applied to the commission appointed under the Acts of March 3, 1837, and August 29, 1842, for an adjudication of their rights as Choctaw Indians, if they had such rights.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,
(Signed), A.C. Tonner,
Acting Commissioner.

C.T.C.(E)

(COPY)

RAF

DEPARTMENT OF THE INTERIOR,

Washington, March 26, 1903.

ITD. 2810--1903.

DC. 8985--1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Fannie Cox and her minor children, Willie, Richard and Missie Smart, and Exel Cox, including your decision of December 6, 1902, refusing the application.

The applicants endeavor to trace their descent from Mary Martin, alleged to have been a Choctaw Indian, residing in Mississippi in 1850, from Forest (or Farris) Whitlow, who is said to have been a half blood Choctaw Indian, and from Laura Whitlow (nee Martin) alleged to have been a one-fourth blood Choctaw Indian.

2.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that any one of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 515).

Reporting February 27, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision; a copy of his letter is inclosed.

The Department has reviewed the record, and hereby affirms the decision rendered.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, April 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Fannie Cox, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

(SIGNED).

C. R. Breckinridge.
Commissioner in Charge.

M.C.R. 4753.

COPY.

Muskogee, Indian Territory, April 7, 1903.

Fannie Cox,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby notified that on the 26th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Fannie Cox, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED):

C. R. Breckinridge.
Commissioner in Charge.

For Identification as a Mississippi Choctaw

Date

FEB 17 1952

Name Fannie Cox.

Age 52 - Blood $\frac{3}{8}$

Post Office, Wynnewood, D. T.

Father: Forest Whitlow, d.

Mother: Laura Martin, l.

Claims through both parents -

husband
Living, Richard Cox, l.

Comanche Ind. & neg.

No claim for husband.

husband (f) Nathan Smart
dead. Ind & neg.

Children:

Richard ^{Smart} ~~Cox~~ 18

Willie " 18

Missie " F. 16

Ezra Cox - M. 12

Claims for self &
children

Stenographer G. Rosemont

Choctaw MCR 4754

Elizabeth W. Collier

See MCR 4639

MCR 4754

4754

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 13, 1903.

In the matter of the application of Elizabeth W. Collier
for the identification of herself and one minor child, Valeria E.,
as Mississippi Choctaws.

Elizabeth W. Collier, having been first duly sworn, upon
her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Elizabeth W. Collier.
Q How old are you? A Thirty three.
Q How much Choctaw blood have you? A My grand father married a
Choctaw woman; she may be a half breed.
Q That would make you an eighth, then? A I don't know how you
figure that out, you know.
Q What's your post office address? A Shaw, Mississippi.
Q What county? A Boliver County.
Q How long have you lived in Boliver County? A For the past six
years.
Q Where did you live before then? A In Macon, Mississippi, and in
Montgomery County.
Q Where were you born? A In Indianola, Mississippi.
Q You have lived in this State all your life? A Yes, sir.
Q Is your father living? A No, sir.
Q What was his name? A Goldsby Chambliss Walker.
Q Is your mother living? A No, sir.
Q What was her name? A Catherine Green.
Q That was her maiden name? A Yes, sir.
Q Through which one of your parents did you get your Choctaw blood?
A From my father.
Q How long has he been dead? A He died in '79.
Q Do you know how much Choctaw blood he had? A His mother - his fa-
ther was the one that married the Choctaw woman.
Q You don't know whether she was a full blood Choctaw woman, or not?
A No, sir, I do not.
Q Where was your father born? A In Alabama, or Mississippi, I don't
know which; in Alabama, I think.
Q Do you know what place in Alabama? A No, sir, I do not.
Q How long did he live there before he came to Mississippi? A I
don't know.
Q Did he ever live any place except in Alabama, or Mississippi?
A I think not.
Q How old would your father be if he were living now? A He was
about sixty when he died about twenty three years ago; he would
be about eighty.
Q He got his Choctaw blood through his mother? A Yes, sir.
Q What was her name? A Frances Chambliss.
Q Did you ever see her? A No, sir.
Q You don't know just how much Choctaw blood she had? A No, sir, I
am not positive; I think a half breed.

Elizabeth W. Collier, et al., 2.

- Q Do you know where she was born? A No, sir, I don't know.
- Q You don't know where she lived during her life time? A No, sir, I know she lived in Mississippi with my grand father, and of course that is so far back I have to remember what has been handed down.
- Q Do you know the name of either one of her parents? A No, sir, I do not.
- Q Application has heretofore been made to the Commission by other descendants of Frances Chambliss? A Yes, sir.
- Q What's your husband's name? A J. G. Collier.
- Q What does that "J" stand for? A Jesse.
- Q Is he living? A Yes, sir.
- Q Has he any Choctaw blood? A No, sir, he doesn't claim any.
- Q You make no claim for him? A No, sir.
- Q How many children has he living? A One.
- Q What's the name of that child? A Valeria E.
- Q How old? A Ten months.
- Q The child of yourself and Jesse G. Collier? A Yes, sir.
- Q This application is for yourself and one child? A Yes, sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A I couldn't say.
- Q Have you ever made any application of any description before today for the purpose of establishing your rights as a Choctaw Indian? A No, sir, but others have, so mine may come in as proof; I have got an affidavit.
- Q You mean that relatives of yours have made application? A Yes, sir.
- Q This is the first application of any kind that has ever been made for you? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under article 14 of the treaty of Dancing Rabbit Creek? A I do.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir, but I would have you to read it to me.

This treaty was made here in 1830, on the 27th day of September. At the time the treaty was made, the Choctaws lived here in Mississippi and Along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from this country to a new country west of the Mississippi River, commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out to the new nation, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and come a citizen of the States shall be permitted to do so by signing his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section

Elizabeth W. Collier, et al., 3.

of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with his over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q. That's the 14th article of the treaty of Dancing Rabbit Creek, do you think you understand that now? A. I do.

Q. Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits thereunder? A. I think they have complied with the treaty.

Q. What one of them? A. I believe that my mother did.

Q. Your mother? A. My grandmother, I mean.

Q. Frances Chambliss? A. Yes, sir.

Q. What leads you to believe that? A. It's on record, I think.

Well, I haven't heard about the special treaty, but I think it's on record.

Q. On record where, Mrs. Collier? A. In this office, I suppose. I don't know that I can answer that.

Q. What was the name of your grand father? A. John Walker.

Q. The husband of Frances Chambliss? A. Yes, sir.

Q. He had no Choctaw blood? A. Didn't claim any.

Q. Do you know where he or his wife lived on the 27th day of September, 1830? A. No, sir, I don't know.

Q. Do you know where they lived for five years after that time, or six years after that? A. No, sir, I do not.

Q. Do you know whether any of your Choctaw ancestors owned an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty of Dancing Rabbit Creek was made? A. No, sir, I don't know.

Q. Do you know in fact that any of them lived here at that time? A. In Mississippi.

Q. In the old Choctaw Nation? Yes? A. No, sir, I do not.

Q. Did any of them move out to the new nation west of the Mississippi River when the greater portion of the Choctaw tribe of Indian moved out there? A. I don't know when they moved, but one of John Walker's daughters and her descendants -

Q. What is her name? A. Elizabeth Ryan.

Q. She is a daughter of John Walker, your grand father? A. Yes, sir.

Q. She has heretofore made application to the Commission? A. Yes, sir, she lives there.

Q. Do you know when she went out there? A. No, sir.

Q. Is she as much as seventy one years old now? A. Yes, sir, I expect she is. I couldn't say positively, but she is older than my father; I am very sure that she is over seventy one.

Q. Did John Walker, or his wife, go out there? A. I think not.

Q. Did any of your Choctaw ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the

Elizabeth W. Collier, et al., 4.

Government here in Mississippi for the Choctaws knew that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi, from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek of your knowledge? A I do not know

Q Any of them ever got any land here in Mississippi from the Government at any time? A I don't know.

Q Did any of them ever get any money from the Government? A Not to my knowledge.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A Not to my knowledge.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land; and the records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were appointed by the President of the United States, and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not to my knowledge.

An Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to receive in the place of that land so sold by the Government, land some place else here in Mississippi, or Alabama, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Elizabeth W. Collier, et al., 5.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A There may be in Alabama some of those persons - daughters and sons of John Walker.

Q Do you know the names of them? A Mr. John Walker's daughter, Mrs. Woodall, but her son, William Woodall is living in Alabama.

Q She is not living herself? A No, sir, but her son.

Q How old is he? A He was married - one of the oldest daughters, and her son may be very old, I haven't seen him.

Q Has he been before the Commission? A No, sir, I think not.

Q Do you know of any one who would know about this 14th article compliance by your ancestors now, that was seventy one years ago?

A I don't know any one person?

Q Any living person, yes? A No, sir, I don't know any.

Q Do you know of any written evidence of any kind which would show or tend to show such a state of facts? A I have been told that it was on the record.

Q You are talking about the record some of your people brought here and gave in their testimony before the Commission, and found on the original Ward's list - white man named John Walker; that's what you refer to in your testimony? A Yes, sir, it speaks of his wife, a ~~wh~~ half breed Indian; I am not positive - and seven children.

Q This information you have got on from some of your relatives?

A I have seen the record myself.

Q You know of no other written evidence of any kind? A No, sir.

Q You, of course, would not attempt to say that this John Walker on the original Ward's list is your grand father? A Yes. Why not?

Q Do you mean to swear to that? A As much as any of us know who our grand father is.

Q Don't you think there could have been another John Walker down here at that time? A No, sir, I think not. I have always known we had Indian blood in us, and I have an old slave whom ~~was~~ and ~~with~~ I understand - and I am just as positive as any one could be of our grand father.

Q What is the name of the old slave? A Ephraim Boatwright.

Q He has been before the Commission in one of the other cases and testified has he not? A Yes, sir.

Q Do you know how many children John Walker had? A Seven.

Q Do you know how many children he had on the 27th day of September 1830? A No, I don't say that.

Q Didn't he have more than seven Mrs. Collier? A I have never heard of more than seven; he may have had.

Q Do you remember the names of those seven? A Yes, sir, I think I do.

Q Name them please? A Elizabeth, Mary, William, James, John, Golsby and Nancy.

Q Now, where did your father come in that list of children; was he next to the youngest the way you have named them? A No, sir, I don't think I named in the order in which they were born. My father he was not the oldest; he may be in the middle somewhere.

Elizabeth W. Collier, et al., 6.

Q How old would the oldest one of John Walker's children be if she were living now? A I couldn't form any idea, because father is not the oldest, and he would have been eighty, and he was not the oldest; I couldn't say positive.

Q The only one of these children living now, is Elizabeth Ryan, your father's sister, who lives in Indian Territory, is that correct?

A I think so, yes sir, and I couldn't say that she is living from my own knowledge; that's just what I heard, because I have not seen her.

Q Did you ever see her? A No, sir, never did; I am positive I didn't I was so young, I don't know if I ever I did. But I am positive she was my father's sister.

Q Have you any brothers or sisters living? A Yes, sir, I have a sister in Indian Territory - two living, L.G. Dean and Mrs. Alberta W. Gaines.

Q Application has been made to the Commission by each one of these sisters? A Yes, sir.

Q Are there any further statements you want to make? A No, sir, nothing; I have no information to give.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, in support of your application, they may appear before the Commission, here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time there after at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

R. E. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, Mississippi, on the 13th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Philadelphia, Mississippi, this 4th day of March, 1902.

R. E. Streit
L. D. Massey
Chief U.S. Circuit Court,
Southern District of Mississippi,

By

John H. Smith

Deputy.

MCR-4754.

Muskogee, Indian Territory, March 16, 1907.

Elisabeth W. Collier,
Shaw, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date FEB 11 1902

Name Elizabeth W. Collier

Age 33 Blood

Post Office, Shaw. Miss Walker

Father: Goldsby Chambliss &

Mother: Catherine " &

Claims through father.
husband:

Jesse L. Collier &
No claim for husband.

Claims: self and one child

Children:

Valeria E. Collier. 10 mo

Father's name: Goldsby Chambliss

Stenographer

R. S. Street

Choctaw MCR 4755

Ellen Green

See MCR 4756, 4757, 4758

4783, 4782

MCR 4755

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ellen Green, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of-

| | |
|---------------------------|------------|
| Ellen Green, | M C R 4755 |
| Amanda Powell, et al., | " 4756 |
| Alberta Hemphill, et al., | " 4757 |
| Fannie King, et al., | " 4758 |
| Ransom Green, et al., | " 4783 |
| Nesley Townsend, et al., | " 4782 |

List of papers forwarded to Secretary of Interior com-
prising the record in the consolidated case
of Ellen Green, et al. M C R 4755

| | |
|--|----|
| Original application of Ellen Green for
identification as a Mississippi Choctaw..... | 1 |
| Original application of Amanda Powell, et al.,
for identification as Mississippi Choctaws..... | 10 |
| Original application of Alberta Hemphill, et al.,
for identification as Mississippi Choctaws..... | 14 |
| Original application of Fannie King, et al.,
for identification as Mississippi Choctaws..... | 18 |
| Original application of Ransom Green, et al.,
for identification as Mississippi Choctaws..... | 21 |
| Original application of Nesley Townsend, et al.,
for identification as Mississippi Choctaws..... | 26 |
| Decision of the Commission refusing the ap-
plications of Ellen Green, et al., for
identification as Mississippi Choctaws..... | 30 |

4755

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 13, 1902.

In the matter of the application of Ellen Green for
identification as a Mississippi Choctaw.

Appearances:

S. A. Beadle, Attorney for applicant.
A. W. Jones, Agent for applicant.

Ellen Green, having been first duly sworn, upon her
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Ellen Green.
Q How old are you? A I am about sixty four or five, I reckon.
Q How much Choctaw blood have you? A About half, I reckon; I know
it. My mother was a whole Indian.
Q What's your post office address? A Kilmichael, Mississippi.
Q What county? A Montgomery.
Q How long have you lived in Montgomery County? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A I don't know, sir, what my father's name was;
he is dead, I reckon.
Q Didn't you ever see him? A No, sir.
Q Did you ever know who he was? A No, sir.
Q Is your mother living? A No, sir.
Q What was her name? A Frances Copeland.
Q How long has she been dead? A Twenty one years.
Q How old was she when she died? A I don't know, sir; I couldn't
tell you that.
Q About how old? A I reckon she was pretty old; she was about
eighty, I reckon; seventy, anyhow.
Q You get your Choctaw blood through your mother, do you? A Yes,
sir.
Q How much Choctaw blood did your mother have? A Whole Indian; full
Indian.
Q Are you sure of that? A Yes, sir, she told me so.
Q What kind of an Indian was she? A Choctaw is what she told me.
Q Wasn't she a slave? A No, sir.
Q Were you a slave? A No, sir.
Q Where was your mother born? A In this county.
Q Lauderdale County? A No, sir, in Mississippi. Don't know any
other place but that.
Q Did she live here all her life? A Yes, sir, and me too.
Q You are sure she didn't have any negro blood? A No, sir, she
didn't.
Q Did she have a Choctaw name? A I don't know, sir, whether she
did or not.
Q Did she speak the Choctaw language? A Some times she could, but
its been so long I couldn't never catch on to it at all, but she
could use it some.
Q Do you know the name of her father or her mother? A No, sir.
Q What county in this State did she live in all her life? A I
don't know; Carroll County - Montgomery County.
Q You don't know the name of any one of your Choctaw ancestors ex-

Ellen Green, 2.

cept your mother? A No, sir.

Q Are you married? A Yes, sir.

Q Is your husband living? A Yes, sir.

Q Has he any Choctaw blood? A No, sir.

Q You make no claim for him, then? A No, sir.

Q What's his name? A Dick Green.

Q Have you any children under age? A No, sir.

Q This application, then, is for yourself only? A Yes, sir.

Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir. I don't know.

Q Has any application of any description ever been made for you before to-day for the purpose of establishing your rights as a Choctaw Indian? A No, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, I don't.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the Country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who wanted to stay here at that time, might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege

Ellen Green, 3.

of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Now, I will try and explain this 14th article clearly to you, so you will be sure to understand it? A Yes, sir, because I don't know.

I have just finished quoting the 14th article to you. Now, you will understand that those provisions, or requirements in that article referred to Indians who lived here seventy one years ago. If an Indian who was living here in the old Choctaw Nation, seventy one years ago wanted to stay here and not move out to the new nation with the main body of the tribe, he was entitled to select land under article 14 of the treaty, upon certain conditions. He was required by that 14th article to let the agent of the Government here in Mississippi know that he wanted to stay here in Mississippi and become a citizen of the States, and he must let the agent know within six months from the time the treaty was ratified; the treaty was ratified on the 24th day of February, 1831. Now, after he had let the agent know he wanted to stay here and become a citizen of the States, he was entitled to a reservation of one section of six hundred and forty acres of land here in Mississippi, to cover his improvement that he had here at that time. For each child over ten years of age in his family, he was entitled to a half section or three hundred and twenty acres of land, and for each child under ten years of age, he was entitled to a quarter section, or one hundred and sixty acres of land. Of course, these tracts of land were to be bounded by sectional lines of survey, and the reservations for the children were required to adjoin the location of the parent. Now, if the Indian lived on that land intending to become a citizen of the States for five years from the ratification of this treaty, in that case a grant in fee simple should issue; that is, when they lived there five years after February 24, 1831, continuously, the Government would give them a deed to the land, and it would become his. A good many Indians did get land here in Mississippi under this Treaty; they complied with its provisions and got land. But that 14th article said further that persons who claimed under that article should not by reason of their having done so, lose the privilege of a Choctaw citizen, but if they ever removed; that is, if they ever went out to the new nation west of the Mississippi River, they would not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid to the Indians by the Government of the United States each year under treaty provisions.

Q Now, I have explained fully to you the provisions of the 14th article of the treaty of Dancing Rabbit Creek. Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits thereunder? A No, sir, not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation

Ellen Green, 4.

in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir.

Q Did any of them, in fact, live here at that time? A Not as I knows of, they did. If they did, I don't know it.

Q Did any of your ancestors remove from the old Choctaw Nation west of the Mississippi River at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir, not that I knows of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A If they did, I didn't know anything about it.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not as I heard of.

Q Any of them ever get any money from the Government? A No, sir, Not that I know of.

Q Any of them ever get any land anywhere from the Government? A No, sir, not as I knows of. I never heard tell of it.

Q So far as you know, none of your people ever got any benefits whatever as Choctaw Indians? A No, sir, they have not.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under this 14th article. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a great many of these Choctaw cases. They were here between the years 1837 and 1845.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not as I knows of.

Ellen Green, 5.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress?

A No, sir, I never heard nothing about it.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any description which would show or tend to show such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A Yes, sir, I have one.

Q

If you should find any other witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before the Commission here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?

A No, sir.

Q What's the name of this witness? A Norman Flowers.

Q What do you expect to prove by Norman? A That he knowed my mother to be a Choctaw Indian.

Q Is that all? A Yes, sir.

Q Have you been married more than once? A Married twice.

Q What was your first husband's name? A Thomas King.

Q Did he have any Indian blood? A Yes, sir, he did. His grand father, I think, was a whole Indian.

Q You couldn't swear that he was, could you? A Yes, sir, I could because he told me so. I didn't see him, but he looked like a Indian himself.

Q Have you any children living by this man, Thomas King? A Yes, sir two.

Q What are their names? A Mandy Powell, and Alberta Hemphill.

Q Are they here to-day for the purpose of giving in their testimony? A Yes, sir.

Q When did your first husband die? A He died; I don't know, sir, when; about twenty or thirty years, I reckon.

Q Was he older or younger than you? A Both married nothing but children; about the same, I reckon. I reckon he has been dead about thirty years.

Ellen Green, 6.

Q Now, through which one of his parents did he get his Choctaw blood? A His mother - no, his father - or grand father. it is.

Q Which of his parents, now, was it that had Choctaw blood; his father or his mother? A Didn't have none.

Q Yes he did, too. Which one? A From his mother, I think, it is. It has been so long, I have most forgot that.

Q What was his mother's name? A Leanna King.

Q That was your first husband's mother's name? A Yes, sir.

Q How long has she been dead? A She's been dead about - I don't know, sir, how long, to tell you the truth.

Q Do you have any idea how ~~long~~ old she would be if she were living now? A I expect she would be about eighty years old; I don't know, sir, she was living way up in Choctaw, and I lived in Montgomery County.

Q What was Thomas' father's name? A Plater, I believe. Plater King.

Q Were Thomas' parents slaves? A Yes, sir, I reckon so.

Q How much Choctaw blood did Thomas have? A I couldn't tell you to save my life. I know he had a right smart heap in him, but I couldn't tell you nothing about how he got it; he told me his grand pa was a Indian man.

Q According to your statement, the father of Thomas King's mother was an Indian; is that right? A Yes, sir; I reckon that's the way. Its been so long, child, I have forgot it.

Q You don't know anything about his Indian blood, as a matter of fact? A Yes, sir, I do. He sho had Indian blood in him, but I couldn't get it right now, how it was.

Q What was his grand father's name? A Plater King.

Q That was his grand father too? A I don't know; I declare, I done forgot the names now, but I do know sho' he had a heap of blood in him; Injun blood in him, but I can't get at it to save my life.

Q Did you ever see your husband's grand father, whom you claim was an Indian? A No, sir, I never saw him, but I seen my husband, and he had a heap of Indian in him, but I have forgot now what side he got it from.

Q Did his people always live here in Mississippi? A Yes, sir.

Q Did any of his people ever comply with this 14th article of the treaty of Dancing Rabbit Creek, to your knowledge? A No, sir.

Q Any of them ever receive any benefits as Choctaw Indians? A No, sir, not that I heard of.

Q Any of them ever get any scrip under this Act of Congress approved on the 23rd day of August, 1842? A No, sir, if they did, I don't know anything about it.

Q Now, can you give us any idea of what proportion of Choctaw blood your husband, Thomas King, had? A He looked like --

Q I don't want to know about that. I want to know if you know?

A No, sir, I'll tell you the truth; I don't know.

Q How many children have you living? A Seven.

Q You have named two of them; give us the names of the other five?

A Govie Dorris, Pijy Moore, Ransom Green, Cornelia Townsend.

Q Next one? A Didn't I say five.

Q Well, you have named all of your children who are living? A Fannie King.

Q Fannie is not married? A Yes, sir; she has a husband and family /

Q Now, have you any children dead who left children? A Yes, sir, thats what I am trying to get at.

Ellen Green, 7.

Q How many? A Three; my oldest daughter died and left three little children.
Q What are the names of those children? A Sammie Jolly, Eddie Jolly and Lelia Jolly.
Q That's all, is it? A Yes, sir.
Q Have you any brothers or sisters living? A Yes, sir, I have two sisters.
Q What are their names? A Jimoline French.
Q Next? A Ada Thompson.
Q Where do they live? A Down in the lower part of down yonder in Carroll County - no - Grenada County.
Q Have they been before the Commission? A No, sir, been wanting to come, but I know I have been here all my life, and they aint been far from here, I'll tell you.
Q Have you any brothers or sisters dead? A Yes, sir, I have four brothers dead, I believe.
Q Four brothers dead? A A good many; I have four or five sisters and brothers dead.
Q Did any of them leave children? A Yes, sir.
Q How many? A Brother Henry left children.
Q Henry Copeland? A Henry Applewhite.
Q How many children did he leave? A He left seven at the time when he died, but let me see how many he has got now. Charley, that's a boy, Ophelia Applewhite.
Q Next one? A She was married, but her husband died this year.
Q What's her married name? A Moses Stoval; he is dead now.
Q Next one? A Frances. She married a Williams.
Q Next one? A He didn't have no more.
Q That's all is it? A Yes, sir.
Q Did any other of your brothers or sisters who are dead leave children? A Yes, sir, I have a sister left two children.
Q What was her name? A Alexina Thompson, married a man by the name of Dick Thompson.
Q What are the names of those children who are living? A Margie Thompson and Major Thompson..
Q Have any of them been before the Commission? A No, sir, I wanted them to come.
Q Is that all of the descendants of your deceased brothers and sisters who are living? A Yes, sir, I believe it is.
Q Are any of your mother's brothers or sisters living? A No, sir, if they are, I don't know it.
Q Did she ever have any? A Yes, sir, I reckon she did have some.
Q You don't know them, if she did? A No, sir.
Q Are any of the brothers or sisters of your first husband living? A Yes, sir, two brothers, Jim King and Ned King.
Q Where do they live? A They live back over yonder way; way back yonder, not far from Montgomery County.
Q Have they been before the Commission? A No, sir, not that I know of.
Q Are they full brothers of your husband? A Yes, sir, full brothers.

(This applicant has perfectly straight hair, and her features would indicate that she might be possessed of some Indian blood; she has rather dark skin and dark eyes. She does not speak or understand the Choctaw language.)

(Applicant excused.)

Ellen Green, S.

Norman Flowers, having been first duly sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission.

- Q What's your name? A Norman Flowers.
- Q How old are you? A I am thirty nine years old.
- Q What's your post office address? A Winona, Mississippi, Montgomery County.
- Q How long have you lived there? A All my life.
- Q What's your occupation? A Farming.
- Q Are you acquainted with the applicant, Ellen Green? A Yes, sir.
- Q How long have you known her? A Ever since I can remember any old citizen at all.
- Q Are you any kin to her? A No, sir, not a bit.
- Q Are you interested in any way in the result of her application? A Yes, sir.
- Q To what extent? A Well, to knowing of her mother - in Injun.
- Q I mean are you interested in any way in the result of her application? A No, sir.
- Q Has Ellen any Choctaw blood? A Yes, sir.
- Q How much? A From my judgment.
- Q How much? A Well, I am unprepared to say how much.
- Q What kind of Indian blood is it? A I couldn't tell you that.
- Q Were you acquainted with her parents? A Yes, sir.
- Q Father and mother? A My acquaintance with her mother, but not her father.
- Q Do you know what her father's name was? A No, sir.
- Q What was her mother's name? A Frances Copeland.
- Q How long has she been dead? A Well, I don't know, sir, exactly how many years she's been dead.
- Q About how many years; give us an idea? A Its been about eighteen or twenty years to my recollection.
- Q You were a grown man when she died, were you? A No, sir, I was about seventeen years old, or eighteen somewhere along there.
- Q How long had you known Frances at that time? A I was a chap raised up right under her in the same neighborhood with her.
- Q You have no Indian blood yourself? A Well, I don't know, sir; they say I have.
- Q Did Frances have any Indian blood? A Yes, sir.
- Q How much? A Well, I don't know, sir; she was a whole Indian so far as my judgment is leading me.
- Q You mean that from her personal appearance you think she was a full blood Indian? A Yes, sir.
- Q Didn't she have any negro blood? A No, sir, not as I know of. She didn't have any appearance of a negro.
- Q Do you know what kind of an Indian she was? A Well, I am - she was a Choctaw; but then he was speaking of the race I reckon.
- Q How do you know she was a Choctaw Indian? A I was just going by what I heard her say.
- Q What did you hear her say? A I heard her say in times passed and gone that she was a Choctaw Indian.
- Q When did she tell you that? A Well, that's quite a while before she died; I was about fifteen or sixteen years old, somewhere along

Ellen Green, 9.

there.

Q Did she tell you she was a full blood Choctaw Indian? A She told me she was a Choctaw Indian, she never said full blood, but that she was a Choctaw Indian.

Q Do you know where she was born? A No, sir.

Q You don't know whether she or her ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under it, do you? A No, sir, not that I know of.

(To Applicant)

Do you know of anything else you want me to ask him? A

By Applicant:

No, sir.

(This witness is a negro of average intelligence.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 13th day of February, 1902, at Meridian, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Philadelphia, Mississippi, this 4th day of March, 1902.

R. S. Streit
L. B. Massey
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

*2nd
Copy.*

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ellen Green, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

| | |
|---------------------------|--------------|
| Ellen Green, | M.C.R. 4755 |
| Amanda Powell, et al., | M.C.R. 4756 |
| Alberta Hemphill, et al., | M.C.R. 4757 |
| Fannie King, et al., | M.C.R. 4758 |
| Ransom Green, et al., | M.C.R. 4759 |
| Wesley Townsend, et al., | M.C.R. 4760. |

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Ellen Green for herself; by Amanda Powell for herself and her three minor children, Ferdie, Lennie, and Isabana Poe; by Alberta Hemphill for herself and her six minor children, Alma, Nellie, Vessie, Charley, Luna, and Henry T. Brentian; by Fannie King for herself and her five minor children, Lora, Jesse, Devie, Ella Dora, and Annie Belle King; by Ransom Green for himself and his two minor children, Floss and Beulah Green; and by Wesley Townsend for herself and her

six minor children, Leonard, Pearlle, Will Henry, Neesley, Sarah Frances and Dewit Townsend, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Frances Copeland, who is alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty, and that the applicants embraced in M.C.R. 4756 and 4757 also claim said rights through Plater King, who is alleged to have been a full-blood Choctaw Indian, and Leanna King who is alleged to have been possessed of some Choctaw blood, degree thereof not positively stated.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered

in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Frances Copeland, or Plater King, or Leanna King, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the Acts of Congress approved March 3, 1837 (5 Stats. 186) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Green, Amanda Powell, Ferdie Poe, Lennie Poe, Isabana Poe, Alberta Hemphill, Alma Brontie, Nollie Brontie, Vessie Brontie, Sharley Brontie, Luna Brontie, Henry T. Brontie, Fannie King, Lora King, Jesse King, Dovie King, Ella Dora King, Annie Belle King, Ransom Green, Pleas Green, Beulah Green, Neeley Townsend, Leonard Townsend, Pearlle Townsend, Will Perry Townsend, Neeley Townsend(2), Sarah Frances Townsend and Dewit Townsend as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED)

Tamc Dixby.

Acting Chairman

(SIGNED)

T. B. Needles.

Commissioner

(SIGNED)

C. B. Brockinridge.

Commissioner

Muskogee, Indian Territory

APR 14 1903

COPY

Muskogee, Indian Territory, April 14, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ellen Green, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|-------------|
| Ellen Green, | M.C.R.4755; |
| Amanda Powell, et al., | M.C.R.4756; |
| Alberta Hemphill, et al., | M.C.R.4757; |
| Fannie King, et al., | M.C.R.4758; |
| Ransom Green, et al., | M.C.R.4783; |
| Neeley Townsend, et al., | M.C.R.4782. |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"I" is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Green, Amanda Powell, Ferdie Poe, Lemmie Poe, Isabana Poe, Alberta Hemphill, Alma Brontie, Hollie Brontie, Vessie Brontie, Charley Brontie, Luna Brontie, Henry T. Brontie, Fannie King, Lora King, Jesse King, Dovie King, Ella Dora King, Annie Belle King, Ransom Green, Pleas Green, Beulah Green, Neeley Townsend, Leonard Townsend, Pearlle Townsend, Will Henry Townsend, Neeley Townsend (2), Sarah Frances Townsend and Dewit Townsend as Choctaw Indians entitled to rights in the

M., MCM. & C., 2.

Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Yours,

James Bixby.
Chairman.

M C R 4757

M C R 4755

M C R 4783

Muskogee, Indian Territory, April 14, 1903.

Alberta Hemphill,

Meryland, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask to be advised the status of the cases of yourself, Ellen Green and Ransom Green, applicants to this Commission for identification as Mississippi Choctaws.

In reply to your letter you are informed that it appears from our records that Alberta Hemphill, Ellen Green and Ransom Green made application to this Commission for the identification of themselves and families as Mississippi Choctaws. Up to the present time this Commission has not rendered any opinion relative to the rights of these applicants to such identification. As soon as a decision is rendered they will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, April 14, 1905.

Ellen Green,

Kilmichael, Mississippi.

Dear Madam:

You are hereby advised that on the 14th day of April, 1905, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ellen Green, et al., embracing the following applications for identification as Mississippi

Choctaws:

| | |
|---------------------------|-------------|
| Ellen Green, | M.C.R.4755; |
| Amanda Powell, et al., | M.C.R.4756; |
| Alberta Hemphill, et al., | M.C.R.4757; |
| Fannie King, et al., | M.C.R.4758; |
| Ransom Green, et al., | M.C.R.4783; |
| Nesley Townsend, et al., | M.C.R.4782. |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine

E. G., 2.

the identity of Ellen Green, Amanda Powell, Verdie Poe, Lemmie Poe, Isabana Poe, Alberta Hemphill, Alma Brontie, Hollie Brontie, Vessie Brontie, Charley Brontie, Luna Brontie, Henry T. Brontie, Fannie King, Lora King, Jessa King, Dovie King, Ella Dora King, Annie Belle King, Ransom Green, Elsas Green, Beulah Green, Ezeley Townsend, Leonard Townsend, Pearlle Townsend, Will Henry Townsend, Ezeley Townsend (2), Sarah Frances Townsend and Dewit Townsend as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Bixby.

Chairman.

Registered.

COPY.

M.C.R.4755.

Muskogee, Indian Territory, April 14, 1903.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ellen Green, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|-------------|
| Ellen Green, | M.C.R.4755; |
| Amanda Powell, et al., | M.C.R.4756; |
| Alberta Hemphill, et al., | M.C.R.4757; |
| Fannie King, et al., | M.C.R.4758; |
| Ransom Green, et al., | M.C.R.4783; |
| Hecley Townsend, et al., | M.C.R.4782. |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine

A. W. J., 2.

the identity of Ellen Green, Amanda Powell, Fordie Poe, Lennie Poe, Isabana Poe, Alberta Homphill, Alma Brontio, Nellie Brontio, Vessie Brontio, Charley Brontio, Luna Brontio, Henry T. Brontio, Fannie King, Lora King, Jesse King, Dovie King, Ella Dora King, Annie Bello King, Ransom Green, Pleas Green, Boulah Green, Neeloy Townsend, Leonard Townsend, Pearlie Townsend, Will Henty Townsend, Neeloy Townsend (2), Sarah Frances Townsend and Dewit Townsend as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Bixby
Chairman.

Registered.

M.C.R.4755.

COPY.

Muskogee, Indian Territory, April 14, 1903.

S. A. Beadle,

Attorney-at-Law,

Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ellen Green, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|-------------|
| Ellen Green, | M.C.R.4755; |
| Amanda Powell, et al., | M.C.R.4756; |
| Alberta Hemphill, et al., | M.C.R.4757; |
| Fannie King, et al., | M.C.R.4758; |
| Ransom Green, et al., | M.C.R.4783; |
| Neeley Townsend, et al., | M.C.R.4782. |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine

S. A. B., 2.

the identity of Ellen Green, Amanda Powell, Ferdie Poe, Lommie Poe, Isabana Poe, Alberta Hemphill, Alma Brontie, Hollie Brontie, Vessie Brontie, Charley Brontie, Lana Brontie, Henry T. Brontie, Fannie King, Lora King, Jesse King, Dovie King, Ella Dora King, Annie Belle King, Ransom Green, Elmer Green, Emma Green, Hecley Townsend, Leonard Townsend, Pearlle Townsend, Will Henry Townsend, Hecley Townsend (2), Sarah Frances Townsend and Dewit Townsend as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

per

Tams Bixby.

Chairman.

Registered.

(COPY)

Muskogee, Indian Territory, April 30, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Ellen Green, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 14, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

| | |
|---------------------------|--------------|
| Ellen Green, | M.C.R. 4755, |
| Ananda Powell, et al., | M.C.R. 4756, |
| Alberta Hemphill, et al., | M.C.R. 4757, |
| Fannie King, et al., | M.C.R. 4758, |
| Ransom Green, et al., | M.C.R. 4783, |
| Neeley Townsend, et al., | M.C.R. 4782. |

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

Tamc Dixby.
Chairman.

Through the
Commissioner of Indian Affairs.

2 enclosures M.C.R. 4755.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

OPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4754.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Elizabeth W. Collier,
Shaw, Mississippi.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---|---------------|
| Alberta W. Gaines, et al., | M. C. R. 4639 |
| Valeria B. Hogin, | " 4640 |
| Elizabeth W. Collier, et al., | " 4754 |
| Eugenia C. Dean, et al., | " 4999 |
| William K. James, et al., | " 6047 |
| Mary Jane Allen, et al., | " 6048 |
| Litle E. James, et al., | " 6049 |
| Mary S. Pope, et al., | " 6050 |
| William A. Woodall, et al., | " 6042 |
| William D. Woodall, et al., | " 6044 |
| Mary A. Cannady, et al., | " 6043 |
| Lela C. Woodall, | " 6045 |
| Albert E. Woodall, | " 6046 |
| Laura L. Ryan, et al., | " 5774 |
| Sarah E. Spencer, et al., | " 5776 |
| Ed H. Ryan, et al., | " 5783 |
| James T. Ryan, et al., | " 5782 |
| James W. Ryan, et al., | " 5771 |
| Willie Ryan, et al., | " 5780 |
| Stephen Walker Ryan, et al., | " 5770 |
| Mary Francis Ann Elizabeth Ryan Dawson, | " 5772 |
| Andrew Jackson Ryan, et al., | " 5773 |
| Ellen R. Marshall, et al., | " 5777 |
| Orlando H. Ryan, et al., | " 5775 |
| Dora R. Windle, et al., | " 5778 |
| Albert Ryan, et al., | " 5779 |
| Annie O. Jones, et al., | " 4927 |
| Mattie A. Walker, | " 4928 |
| Martha E. Lee, | " 6175 |
| Mary E. Shamburger, et al., | " 6176 |

| | | |
|------------------------------------|----------|------|
| William W. Shamburger, et al., | M. C. R. | 6179 |
| James F. Shamburger, | " | 6180 |
| Elberta E. Buntyn, | " | 6181 |
| Irene Buntyn, | " | 6182 |
| Zachariah W. Lee, et al., | " | 6177 |
| Cora E. Ezell, et al., | " | 6178 |
| Julia F. Brunson, | " | 6168 |
| Thomas K. Brunson, | " | 6170 |
| Annie K. Thompson, | " | 6174 |
| Mollie K. Cook, et al., | " | 6173 |
| Julia Estelle Garrison, et al., | " | 6171 |
| Catherine E. Brown, et al., | " | 6172 |
| Florence Eugenia Garrison, et al., | " | 6169 |
| Robert E. Lee, et al., | " | 6183 |
| Caleb W. Lee, | " | 6184 |
| Ann B. Smith, et al., | " | 6276 |
| Susan A. Lucas, et al., | " | 6277 |
| Mary Alice Dooly, et al., | " | 6278 |
| William E. Smith, et al., | " | 6275 |
| Emma L. Long, et al., | " | 6279 |
| Ora N. Scott, | " | 6280 |
| Olivia M. Lee, et al., | " | 6342 |
| Robert W. Ezell, | " | 6349 |
| William S. Ryan, et al., | " | 6412 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorce Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Dellert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED),

James W. Ryann

Chairman.

Register.

Land.28530.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, July,11,1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes in the matter of the application of Ellen Green for herself; of Amanda Powell for herself and her three minor children, Ferdie, Lemmie and Isabanna Poe; of Alberta Hemphill for herself and her six minor children, Alma, Nollie, and Vessie, Charley, Luna and Henry T, Brontie; of Fannie King for herself and her five minor children, Lora, Jesse, Dovie, Ella Dora and Annie Belle King; of Ransom Green for himself and his two minor children, Pleas and Beulah Green; and by Neeley Townsend for herself and her six minor children, Leonard, Pearlle, Will Henry, Neeley, Sarah Frances and Dewit Townsend, for identification as Mississippi Choctaws, wherein a decision rejecting them was entered by the Commission on April 14, 1903.

The testimony in this case shows that the applicants found their claims to a right to identification on their descent from Frances Copeland, who was the immediate ancestor of Ellen Green, the principal applicant. Certain of the applicants claim also through and Leanna Kind Plater King, it being the contention that all of these persons were

of Choctaw blood. The applicants have no knowledge as to the residence of their ancestors in 1830, or whether they were in possession of improvements in the Choctaw Nation in Mississippi or Alabama at that time; neither are they able to testify as to whether they complied or attempted to comply with the provisions of the 14th article of the treaty, placing their sole reliance on their Choctaw blood derived through these ancestors named.

The Commission rejected the applicants for the reason that an examination of its records failed to show that any of the ancestors named either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty or the subsequent legislation relative thereto.

An examination of the records of this office has been made relative to the names of Frances Copeland, Plater King and Leanna King, and it is ascertained that their names do not appear among the names of those persons who either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. The applicants being unable to give the names of more remote ancestors than those mentioned herein, it is impossible for a further search to be made, and I therefore recommend that the decision of the Commission rejecting them be approved.

Very respectfully,

W. A. Jones,

Commissioner.

EBH-CGC.

COPY.

D.C. 27495.
ITD. 5564-1903
L. D. S.

WCF.
EAF.

DEPARTMENT OF THE INTERIOR,

Washington, September 29, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

April 30, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Ellen Green, of Amanda Powell, and her minor children, Ferdie, Lemmie, and Isabella Poe; of Alberta Hemphill and her minor children, Alma, Nolie, Vessie, Charley, Luna and Henry T. Brontie; of Fannie King and her minor children, Lora, Jesse, Dovie, Ella Dora and Annie Belle King; of Ransom Green and his minor children, Pleas and Beulah; and of Neeley Townsend and her minor children, Leonard, Pearlie, Will Henry, Neeley, Sarah Frances and Dewit Townsend. Your decision refusing the applications was rendered April 14, 1903.

The applicants base their claims to a right to identification as Mississippi Choctaw Indians on their descent from Frances Copeland, Plater King and Leanne King, it being alleged that the said Frances Copeland and Plater King were full blood Choctaw Indians, and that Leanna King was possessed of some Choctaw blood.

The record in this case as well as the records of the Indian Office fails to show that any one of said ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or the subsequent acts of Congress relating thereto.

Reporting July 11, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Upon a careful consideration of the whole record, the Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, October 10, 1903.

S. A. Beadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 29th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Green, et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully,

Tamc Dinkley
Chairman.

COPY.

Muskogee, Indian Territory, October 10, 1903.

A. W. Jones, Agent,

" Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 29th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Green, et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully,

Tama White
Chairman.

COPY.

Muskogee, Indian Territory, October 10, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 29th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Green, et al., of which decision you were advised by mail on the 14th day of April, 1903.

Respectfully,

(SIGNED)

Tamo Dixby.
Chairman.

M.C.R. 4765

COPY.

Muskogee, Indian Territory, October 10, 1903.

Ellen Green,

Kilmichael, Mississippi.

Dear Madam:

You are hereby notified that on the 29th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Green, et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

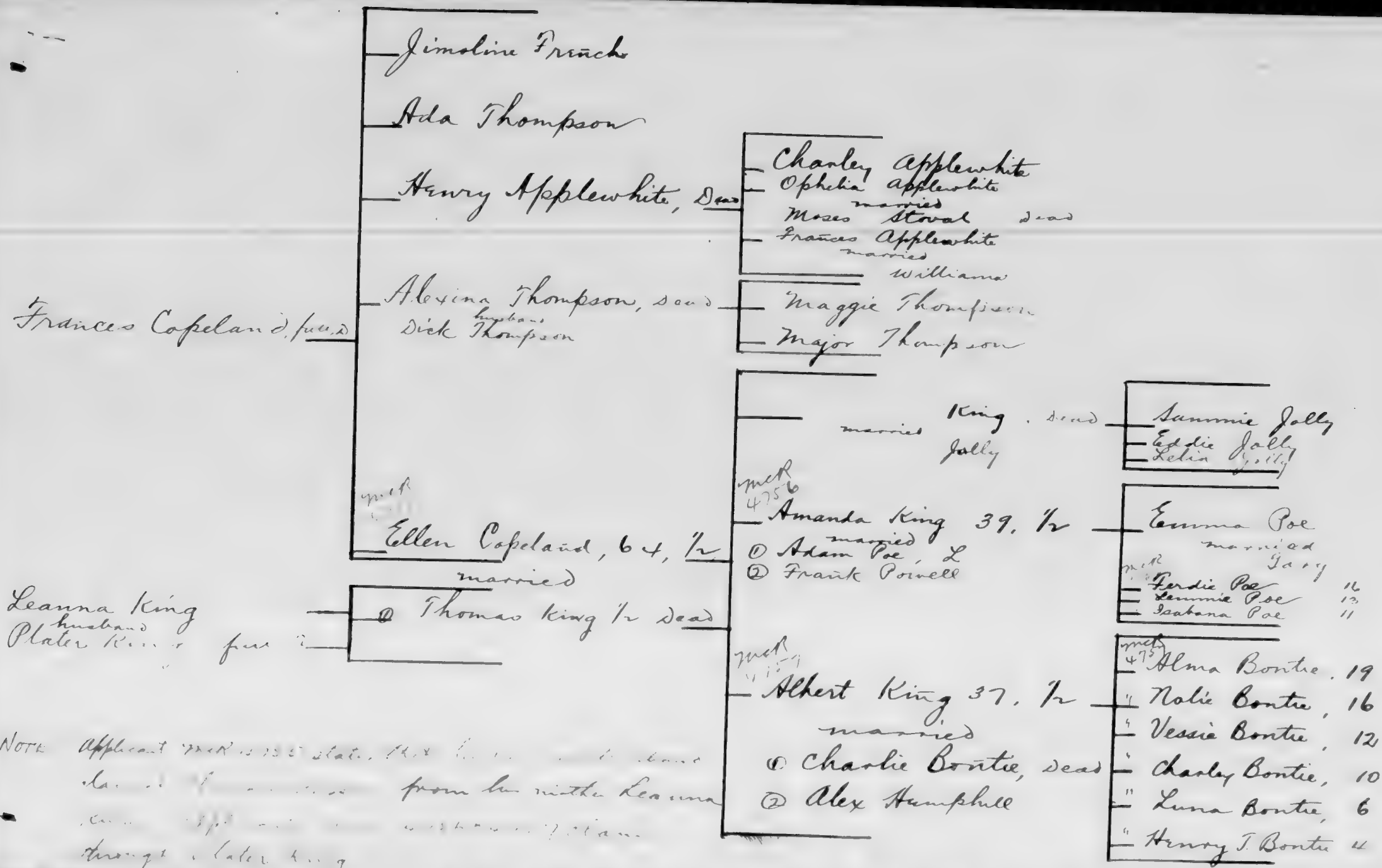
Respectfully,

James H. Hootch
Chairman.

REFER TO M. C. R. 4755

Ellen Green and

Constance



NOTE Applicant MEX is 1935 state, that he is a son of Leanna
 daughter of Leanna from her mother Leanna
 Leanna Appplewhite was born in 1840
 through a later King

Frances Copeland, full. sec.

Ellen Copeland, 64, 1/2

married

(2) Dick Green

Govie Green

married

Dorris

met
4758

Fannie Green 32, 1/2

married

Alex. King

met
4783

Ransom Green, 32, 1/4

wife

Lola Green

met
4782

Nerley Green, 30, 1/2

married

Bill Townsend

Pigg Green

married

Moore

met
4758

Lora King, 17

" Jesse King, 15

" Dovie King, 13

" Ella Dora King, 11

" Annie Belle King, 9

met
4783

Pleas Green 13

" Beulah Green 11

met
4782

Leonard Townsend, 14

" Pearlle Townsend, 12

" Will Henry Townsend, 10

" Nealey Townsend, 8

" Sarah Frances Townsend, 6

" Dewitt Townsend 2

#1774

No.

4755

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date

FEB 13 1902

Name

Ellen Green

Age

64

Blood

1/2

Post Office,

Kilmichael, Miss

Father:—

don't know—

&

Mother:

Frances Copeland

&

Claims through

mother

husband:

Dick Green

I

no claim for him.

(Claims

Children:

Stenographer

R. S. Street

Choctaw MCR 4756

Amanda Powell

See MCR 4755

MCR 4756

4756

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 13, 1902.

in the matter of the application of Amanda Powell, for the identification of herself and three minor children, Ferdie Poe, Lemmie Poe and Isabana Poe, as Mississippi Choctaw.

Appearances:

S. A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Amanda Powell, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Amanda Powell.
Q How old are you? A I don't know exactly, about thirty nine, I guess.
Q How much Choctaw blood have you? A I don't know, sir, exactly how much.
Q What's your post office address? A Kilmichael, Mississippi.
Q What county? A Montgomery County.
Q How long have you lived in Montgomery County? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Thomas King.
Q Is your mother living? A Yes, sir.
Q What's her name? A Ellen Green.
Q Is she the Ellen Green who appeared before the Commission here this morning? A Yes, sir.
Q Through which one of your parents do you get your Choctaw blood?
A Both.
Q How much Choctaw blood did your father have? A I don't know, exactly, my grand father was a Indian.
Q His father, or his grand father? A My grand father; his father.
Q You claim that your father was a half Choctaw? A From his testimony he was.
Q Your mother is how much? A I don't know; her mother was full blood that would make her half.
Q Then, you would claim a half, would you? A Yes sir.
Q How long has your father been dead? A I don't know, sir.
Q About how long? A Good while, about thirty years.
Q How old was he when he died? A I don't know, sir.
Q About how old? A I couldn't tell you; I guess he was a settled man.
Q How old does a man have to be to be a settled man, according to your own statement? A About thirty years old, I reckon.
Q Where was your father born? A I don't know, sir, exactly, where he was born.
Q Was he born in this State? A Yes, sir, in the State of Mississippi.

Amanda Powell, et al., 2.

Q Did he live in this State all his life? A Yes, sir, in the State of Mississippi.

Q Do you know the names of his parents? A I know what he told me, - he said their names was.

Q What were they? A His mother was named Leanna, and his father Plater King.

Q Did you ever see either one of them? A I don't remember seeing them.

Q Did Leanna have any Choctaw blood? A I don't know, sir.

Q How much did Plater have? A Said he was full blood.

Q Who said so? A Father.

Q Did you ever hear any one else say so? A No, sir, never did hear any one else say how much.

Q What kind of an Indian? A Choctaw.

Q Did your father speak or understand the Choctaw language? A I couldn't exactly remember.

Q Does your mother speak it? A No, sir.

Q You would n't be willing to swear that your father's father was a full blood Choctaw Indian? A I couldn't swear only by what he said.

Q Do you know the name of Plater's father or mother? A No, sir.

Q Do you know where they lived? A No, sir.

Q Are you married? A Yes, sir.

Q Is your husband living? A Yes, sir.

Q Has he any Choctaw blood? A No, sir.

Q You make no claim for him then? A No, sir.

Q What is his name? A Frank Powell

Q Were your father's parents married? A I don't know, sir.

Q Was Plater a slave? A Said not to be.

Q Who told you he wasn't? A My father.

Q Was your father's mother a slave? A Yes, sir, said that she was a slave, and said that grand pa married her and bought her from a slave.

Q Have all of your people always lived here in Mississippi, so far as you know? A So far as I know.

Q Have you any children living under twenty one years of age and unmarried? A Yes, sir, they are all three.

Q What are the names and ages of those three children? A Ferdie Poe

Q How old? A Sixteen.

Q Next one? A Lemmie Poe.

Q How old? A Thirteen.

Q Next one? A Isabama Poe.

Q How old? A Eleven.

Q That's all is it? A Yes, sir.

Q These children all living with you at this time? A Yes, sir.

Q What's the name of their father? A Adam Poe.

Q He was your first husband? A Yes, sir.

Q Did he have any Choctaw blood? A No, sir, none that I know of.

Q Is he living? A Yes, sir.

Q This application is for yourself and three minor children? A Yes, sir.

Q Is your name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.

Q Has any application of any kind ever been made before to-day for yourself or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir, never have.

Amanda Powell, et al., 3.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A I understood very well what you said.

Q You heard it explained fully to your mother, Ellen Green, during her examination? A Yes, sir.

Q And you understand what I said to her about it? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits thereunder? A None that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in 1830, when this treaty was made? A Not that I know of.

Q Did any of them live here at that time, as a matter of fact, seventy one years ago? A I don't know, sir.

Q Did any of them remove to the new nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know that.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I do not know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A None that I know of.

Q Any of them ever get any land from the Government under any other article of that treaty, or under the supplement thereto? A I don't know.

Q Any of them ever get any money from the Government? A No, sir, none that I know of.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

Q You heard my explanation to your mother as to the causes which brought about certain Acts of Congress between the years 1837 and 1842, and their provisions, did you not? A Yes, sir.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A None that I know of.

Q Did any of them get any scrip from the Government of the United States under an Act of Congress approved August 23, 1842? A Not as I ever heard that I remember.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any kind to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A That one that ma had is the only one we have.

Q That's Norman Flowers who has already testified in your mother's case? A Yes, sir.

Q His testimony will be considered in your case too? A Yes, sir.

Amanda Powell, et al., 4.

If you should find any other witnesses whose testimony you desire to have taken by the Commission in support of your application they may appear before the Commission here at Meridian, before the 14th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time in support of your application? A Not any.
Q Have you any children who are of age, or married? A I have one.
Q What's that child's name? A Emma Gary.
Q Is she here to-day? A No, sir.
Q Has she been before the Commission? A No, sir.
Q Have you any sisters here to-day? A I have two here.
Q What are their names? A Alberta Hemphill and Fannie King.
Q Is Fannie your full sister? A Half sister; we have the same mother.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro predominates. She has, however, hair that is black and almost straight.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 13th day of February 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Philadelphia, Mississippi, this 4th day of March, 1902.

R. S. Streit
L. B. Mosler
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

COPY

Muskogee, Indian Territory, April 14, 1903.

Amanda Powell,

Kilmichael, Mississippi.

Dear Madam:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ellen Green, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|-------------|
| Ellen Green, | M.C.R.4755; |
| Amanda Powell, et al., | M.C.R.4756; |
| Alberta Hemphill, et al., | M.C.R.4757; |
| Fannie King, et al., | M.C.R.4758; |
| Ransom Green, et al., | M.C.R.4783; |
| Leeley Townsend, et al., | M.C.R.4782. |

These applications were made under the provision of the act of Congress of June 20, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine

A. . . , 2.

the identity of Ellen Green, Amanda Lowell, Ferdie Lee, Lennie Lee, Isabana Poe, Alberta Hemphill, Alma Brontie, Belle Brontie, Vessie Brontie, Charley Brontie, Luna Brontie, Harry T. Brontie, Fannie King, Lora King, Jesse King, Berie King, Ella Dora King, Annie Belle King, Hanson Green, Elias Green, Beulah Green, Peoley Townsend, Leonard Townsend, Pearl Townsend, Mill Henry Townsend, Peoley Townsend (2), Sarah Frances Townsend and Levitt Townsend as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tama Bixby

Chairman.

Re-intered.

COPIE.

Muskogee, Indian Territory, October 10, 1903.

Amanda Powell,

Kilmichael, Mississippi.

Dear Madam:

You are hereby notified that on the 29th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Green, et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully,

Chairman.

#1775

No. 4736

For Identification as a Mississippi Choctaw.
Meridian Miss

FEB 13 1902

Date

Name Amanda Powell

Age 39

Blood $\frac{1}{2}$

Post Office, Kilmichael, Miss.

Father: Thomas King ($\frac{1}{2}$) d.Mother: Ellen Green ($\frac{1}{2}$) L.Claims through both parents.
hus and

Frank Powell

No claim for him.

Claim for my own children

Children:

Terdie Poe 16

Lemmie " 13

Isabana " 11

Father Adam (Poe) d.

No Choctaw blood.

Stenographer

R. S. Strick

Choctaw MCR 4757

Alberta Hemphill

See MCR 4755

MCR 4757

4757

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 13, 1902.

In the matter of the application of Alberta Hemphill for the identification of herself and six minor children, Alma Brontie, Hollie Brontie, Vessie Brontie, Charley Brontie, Luna Brontie, and Henry T. Brontie, as Mississippi Choctaws.

Alberta Hemphill, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Alberta Hemphill.
- Q How old are you? A Thirty seven.
- Q How much Choctaw blood have you? A I have a quarter by my mother's side, and I don't know exactly how much it is on my father's side, but I have some on his side.
- Q What's your post office address? A Kilmichael, Mississippi.
- Q What county? A Montgomery County.
- Q How long have you lived in Montgomery County? A Ever since I knowed that I was living.
- Q Is your father living? A No, sir.
- Q What was his name? A Thomas King.
- Q Your mother living? A Yes, sir.
- Q What's her name? A Ellen Green.
- Q Is she the Ellen Green who appeared before the Commission this morning? A Yes, sir.
- Q What relation are you to a woman by the name of Amanda Powell who just appeared before the Commission? A Full sisters.
- Q Through which one of your parents do you get your Choctaw blood? A Both sides.
- Q How much Choctaw blood has your mother? A Half.
- Q How much did your father have? A I don't know, sir, exactly; I haven't figures that up. My grand father was an Indian, so I was told by my mother.
- Q Did your father's mother have any Indian blood? A I just know of that what my mother told me.
- Q Your father's father, you claim, was a n Indian; did your father's ~~mother~~ mother have any Choctaw blood? A Yes, sir, by that, I guess so.
- Q That wouldn't mean that she had any Choctaw blood, her husband had Choctaw blood? A No, sir, I just didn't understand what you said.
- Q You don't know? A No, sir.
- Q If your statement is true that your father's father was a full blood Indian, your father must have had half choctaw blood? A I don't know any further back than what they told me, you can judge from that what I told you how it was.
- Q You couldn't swear that your father had one half Choctaw blood? A Only what they told me.
- Q What was your father's father's name? A Plater King.
- Q You claim he was a full blood Choctaw Indian? A From what they told me, yes sir,.

Alberta Hemphill, et al., 2.

- Q Never saw him? A No, sir.
- Q How long has your father been dead? A I don't know, sir, he died when I was small.
- Q Are you married? A Yes, sir.
- Q Been married more than once? A Yes, sir.
- Q What was the name of your first husband? A Charley Brentie.
- Q Did he have any Choctaw blood? A No, sir.
- Q Have you any children by him living? A All I have is by him.
- Q How many? A Got six living.
- Q All by him? A Yes, sir.
- Q What's your present husband's name? A Alex Hemphill.
- Q Has he any Choctaw blood? A No, sir.
- Q You make no claim for him? A No, sir.
- Q You have no children by him? A No, sir.
- Q What are the names of these children of yours and their ages?
- A Alma.
- Q How old? A She's nineteen.
- Q Next one? A Nollie.
- Q How old is Nollie? A Sixteen.
- Q Next one? A Vessie.
- Q How old? A Twelve.
- Q Are these three girls all of them? A Yes, sir.
- Q Next one? A Charley.
- Q How old is Charley? A Ten.
- Q Next one? A Luna.
- Q How old is Luna? A Six.
- Q Next one? A Henry T.
- Q How old is Henry T.? A Four.
- Q These children all living with you at this time? A Yes, sir.
- Q Are they all the children of yourself and Charley Brentie, deceased? A Yes, sir.
- Q This application is for yourself and six minor children, is that right? A Yes, sir.
- Q Is your name, or the name of any one of these children, on any of the Choctaw tribal rolls in Indian Territory? A No, sir, not that I knows of.
- Q Has any application of any description ever been made for you or any of these children before to-day looking to the establishment of your rights as a Choctaw Indian? A No, sir.
- Q This is the first application of any kind that has ever been made for any of you? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and six minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A I understand it the way you explained it.
- Q You heard me explain it fully to your mother here didn't you?
- A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did any of them own an improvement here in the old Choctaw Nation in 1830, when this treaty of Dancing Rabbit Creek was made? A Not that I know of.
- Q Did any of them live here at that time? A I don't know, sir.
- Q Did any of your Choctaw ancestors remove from the old Choctaw

Alberta Hemphill et al., 3.

Nation, here in Mississippi and Alabama, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir, I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.

Q Or under any other article of that treaty? A Not that I know of.

Q Or under the supplement? A No, sir.

Q None of them ever got any land from the Government to your knowledge? A No, sir.

Q Did any of them ever get any money from the Government? A No, sir not that I know of.

Q You heard me explain to your mother the caused which brought about certain Acts of Congress between the years 1837 and 1842, and the provisions of those Acts, did you not? A Yes, sir.

Q Did any of your ancestors appear before any of the Commissioners appointed under those Acts of Congress and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?

A No, sir, not that I ever heard of.

Q Did any of them ever get any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A Not as I know of.

Q Did any of them ever receive any benefits whatever as Choctaw Indians? A Not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know.

Q Do you know of the existence of any written evidence of any description which would prove or tend to prove such a state of facts?

A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A No more than Mr. Norman Flowers.

Q He has given his testimony in your mother's case? A Yes, sir.

Q It will be considered in your case too? A Yes, sir.

Q

If you should find any other witnesses whose testimony you desire to have taken by the Commission in support of your application, they may appear before the Commission here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskegee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?

A No, sir.

Q Have you any children ever age and married? A No, sir, I have many married child.

Alberta Hemphill, et al., 4.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro predominates. She has, however, hair that is black and almost straight.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 13th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Philadelphia, Mississippi, this 5th day of March, 1902.

L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

M C R 4757

M C R 4755

M C R 4783

Muskogee, Indian Territory, April 14, 1903.

Alberta Hemphill,

Meryland, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask to be advised the status of the cases of yourself, Ellen Green and Ransom Green, applicants to this Commission for identification as Mississippi Choctaws.

In reply to your letter you are informed that it appears from our records that Alberta Hemphill, Ellen Green and Ransom Green made application to this Commission for the identification of themselves and families as Mississippi Choctaws. Up to the present time this Commission has not rendered any opinion relative to the rights of these applicants to such identification. As soon as a decision is rendered they will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 14, 1903.

Alberta Hemphill,

Kilmichael, Mississippi.

Dear Madam:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ellen Green, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|-------------|
| Ellen Green, | M.C.R.4755; |
| Amanda Powell, et al., | M.C.R.4756; |
| Alberta Hemphill, et al., | M.C.R.4757; |
| Fannie Ying, et al., | M.C.R.4758; |
| Ransom Green, et al., | M.C.R.4783; |
| Nesley Townsend, et al., | M.C.R.4782. |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine

A. W., 2.

the identity of Ellen Green, Amanda Lowell, Fannie Poo, Fannie Poo, Isabella Poo, Alberta Hemphill, Alma Brontie, Nellie Brontie, Vessie Brontie, Charley Brontie, Luna Brontie, Henry T. Brontie, Fannie King, Lora King, Jesse King, Devie King, Ella Lora King, Annie Belle King, Hanson Green, Alena Green, Beulah Green, Heeley Townsend, Leonard Townsend, Pearlle Townsend, Will Henry Townsend, Heeley Townsend (2), Sarah Frances Townsend and Dewitt Townsend as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Jame Dixie.

Chairman.

Respectfully,

Muskogee, Indian Territory, May 28, 1903.

Alberta Hemphill,
Maryland, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you ask to be advised the status of your case.

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor children as Mississippi Choctaws. On April 14, 1903, the Commission rendered its decision refusing your application, and on the same date you were notified by registered mail, at Kilmichael, Mississippi, of the action of the Commission and that you would be allowed fifteen days from the date of said decision within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days from April 14, 1903, heretofore granted you in this case, expired on April 29, 1903. On April 30, 1903, the record in your case, together with the decision of the Commission refusing your application, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Commissioner in Charge.

M C R 4757

Muskogee, Indian Territory, September 11, 1903.

Alberta Hemphill,
Maryland, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 31, 1903, wherein you ask what you must do to secure your rights in the Choctaw Nation, Indian Territory.

In reply you are informed that the record in your case, together with the decision of the Commission refusing your application for identification as a Mississippi Choctaw, was on April 30, 1903, forwarded to the Secretary of the Interior. Up to the present time the Commission has not been advised of any departmental action taken thereon. As soon as the decision of the Secretary is received you will be duly notified thereof.

Respectfully,

Chairman.

COPY.

M.C.R. 4757

Muskogee, Indian Territory, October 10, 1903.

Alberta Hemphill,

Kilmichael, Mississippi.

Dear Madam:

You are hereby notified that on the 29th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Green, et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully,

Tamie Bixby
Chairman.

K.C.R.4757.

Muskogee, Indian Territory, March 29, 1904.

Alberta Hemphill,

Maryland, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 13rd instant, in which you ask if the Secretary of the Interior has taken any action in your case.

In reply to your letter you are informed that on September 29, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which Departmental action you were duly notified on October 10, 1903.

The Commission now considers your case closed, and it is not believed that you and your children are in any manner entitled to possessory rights in the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

11

No.

2157

For Identification as a Mississippi Choctaw.

Meridian Miss

FEB 13 1902

Date

Name Alberta Hemphill

Age 37

Blood $\frac{1}{2}$

Post Office, Kilmichael, Miss.

Father: Thomas King $\frac{1}{2}$ dMother: Ellen Green ($\frac{1}{2}$) dClaims through both parents.
husbands

Alex. Hemphill

no claim for husband.

Claims for self and 6 children

Children:

| | | |
|----------|---------|----|
| Alma | Brontie | 19 |
| Nolie | " | 16 |
| Vessie | " | 12 |
| Charley | " | 10 |
| Luna | " | 6 |
| Henry J. | " | 4 |

Father Charley Brontie

no Choctaw blood

Stenographer

P. S. Stewart

Choctaw MCR 4758

Fannie King

See MCR 4755

MCR 4758

4758
Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 13, 1902.

In the matter of the application of Fannie King for the identification of herself and five minor children, Lora, Jesse, Devie, Ella Dora, Annie Belle.

Fannie King, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Fannie King.
Q How old are you? A Thirty four years old.
Q How much Choctaw blood have you? A I don't know, sir; my mother's half.
Q Did your father have any Choctaw blood? A No, sir.
Q You are a quarter, then, aren't you? A Yes, sir, I suppose so.
Q What's your post office address? A Kilmichael, Mississippi.
Q What county? A Montgomery County.
Q How long have you lived in Montgomery County? A Ever since I can remember.
Q Is your father living? A Yes, sir.
Q What's his name? A Dick Green.
Q Is your mother living? A Yes, sir.
Q What's her name? A Ellen Green.
Q Is she the Ellen Green who appeared before the Commission here this morning and made application for identification as a Mississippi Choctaw? A Yes, sir.
Q You heard her examination? A Yes, sir.
Q What relation are you to Alberta Hemphill? A My half sister.
Q Had the same mother? A Yes, sir.
Q Are you married? A Yes, sir.
Q What's your husband's name? A Alex King.
Q Any Choctaw blood? A No, sir.
Q Have you been married more than once? A No, sir.
Q How many children have you for whom you want to make application?
A Five.
Q How old is the oldest one? A Seventeen.
Q Married? A No, sir.
Q What are the names and ages of these children? A Lora.
Q Girl? A Boy.
Q Seventeen? A Yes, sir.
Q Next one? A Jesse?
Q A boy? A Yes, sir.
Q How old? A Fifteen.
Q Next one? A Devie, thirteen.
Q That's a girl? A Yes, sir.
Q Next one? A Ella Dora.
Q How old? A Eleven.
Q Next one? A Annie Belle, nine.
Q That all of your children? A Yes, sir.
Q This application is for yourself and five minor children?

Fannie King, et al., 2.

Q Yes, sir.

Q Are all of these children living with you at this time? A Yes, sir.

Q Are they all the children of yourself and Alex King.

Q Is your name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?

A No, sir, not that I know of.

Q Has any application of any description ever been made for you or any one of these children before to-day for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q You understand that 14th article? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when the treaty of Dancing Rabbit Creek was made? A I don't know.

Q Did any of them live here at that time? A I don't know, sir.

Q Did any of them remove from the old Choctaw Nation to the new Choctaw Nation west of the Mississippi River, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A I don't know, sir.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Or under any other provision in that treaty? A Not that I know of.

Q Did any of them ever get any money from the Government? A Not that I know of.

Q Did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A I don't know, sir.

Q You understand the causes which brought about the certain Acts of Congress between the years 1837 and 1842, and the provisions with reference to hearing claims under this 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes, sir.

Q Did any of your ancestors appear before any of the commissioners appointed under these Acts of Congress and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Any of them ever get any scrip from the Government of the United States under the Act of Congress approved August, 23, 1842? A Not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of the existence of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q You have no written evidence to offer at this time? A No, sir.

Q Any witnesses? A Norman Flowers.

Fannie King, et al., 4.

Q He has already testified in your mother's case? A Yes, sir.
Q His testimony will be considered in your case too? A Yes, sir.
Q Are there any further statements you want to make at this time?
A No, sir.

(This applicant has the appearance of being ~~xxx~~ possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 13th day of ~~February~~, 1902, at Meridian, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Philadelphia, Mississippi, this 5th day of March, 1902.

L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *J. M. M.*

Deputy.

COFV

Muskogee, Indian Territory, April 14, 1903.

Fannie King,

Wilmichael, Mississippi.

Dear Madam:

You are heroby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ellen Green, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|-------------|
| Ellen Green, | M.C.R.4755; |
| Amanda Powell, et al., | M.C.R.4756; |
| Alberta Homphill, et al., | M.C.R.4757; |
| Fannie King, et al., | M.C.R.4758; |
| Ransom Green, et al., | M.C.R.4783; |
| Noeloy Townsend, et al., | M.C.R.4782. |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine

F. K., 2.

the identity of Ellen Green, Amanda Powell, Ferdie Poe, Lemmie Poe, Isabana Poe, Alberta Hemphill, Alma Brontie, Follie Brontie, Vessie Brontie, Charley Brontie, Luna Brontie, Henry T. Brontie, Fannie King, Lora King, Jesse King, Dovie King, Ella Dora King, Annie Belle King, Hanson Green, Elias Green, Baulah Green, Neale Townsend, Leonard Townsend, Pearlina Townsend, Will Henry Townsend, Neale Townsend (2), Sarah Frances Townsend and Dewit Townsend as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

Registered.

M.C.R. 4758

COPY.

Muskogee, Indian Territory, October 10, 1903.

Fannie King,

Kilmichael, Mississippi.

Dear Madam:

You are hereby notified that on the 29th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Green, et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully,

John B. ...
Chairman.

#1777

No. -

2753

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

FEB 13 1902

Name Fannie King

Age 34 Blood 1/4

Post Office, Kilmichael, Miss.

Father: Dick Green L

Mother: Ellen " L

Claims through mother.
husbandAlex. King
no claim for husband

Claims for self and children

Children:

| | | | |
|----------|------|-----|----|
| Lora | King | (M) | 17 |
| Jesse | " | (M) | 15 |
| Dovie | " | (F) | 13 |
| Ella D. | " | | 11 |
| Annie B. | " | | 9 |

Stenographer

R. S. Streit

Choctaw MCR 4759

George Moore

See MCR 4760

MCR 4759

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Moore, et al.
for identification as Missis-
sippi Choctaws,

consolidating the applications of

George Moore, M.C.R.4759.---
Ida Moore, et al.M.C.R.4760.---

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the page occupied by each
in said record.

| | page |
|--|------|
| Original application of George Moore
to the Daves Commission for identification as
a Mississippi Choctaw,..... | 1 |
| Original application of Ida Moore, et
al., to the Daves Commission for identification
as Mississippi Choctaws,..... | 7 |
| Decision of the Commission refusing the
applications of George Moore, et al., for
identification as Mississippi Choctaws,..... | 15 |

4757

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 13, 1902.

In the matter of the application of George Moore for
identification as a Mississippi Choctaw.

Appearances:

S. A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

George Moore, having been first duly sworn, upon his oath
testified as follows:

Examination by the Commission.

Q What is your name? A George Moore.
Q How old are you? A Thirty two.
Q How much Choctaw blood have you? A I claim half.
Q What's your post office address? A Greenwood, Mississippi.
Q Is your father living? A No, sir.
Q What was his name? A Hardy Moore.
Q Is your mother living? A No, sir.
Q What was her name? A Leva Ann.
Q Through which one of your parents did you get your Choctaw
blood? A Both sides.
Q How much Choctaw blood did your father have? A He was half.
Q And your mother? A Half.
Q How long have you lived at Greenwood? A I have been living
around about there about all my days, in Carroll County.
Q Where were you born? A In Carroll County, Mississippi.
Q How old would your father be if he were living now? A I don't
know; he died when I was small.
Q Both of your parents? A Yes, sir.
Q Were either of them slaves? A Not that I know of.
Q Do you have any idea how old your father or mother would be if
they were living now? A My father would be if he were living now?
Q Yes, would be if he were living now? A He would be about sixty or
seventy years old.
Q Through which one of his parents did your father get his Choctaw
blood? A Mother.
Q What was her name? A Lucy Ann.
Q What's her maiden name? A I never did hear her maiden name; I
was small.
Q Did you ever see Lucy Ann? A No, sir,
Q According your statement, Lucy Ann was a full blood Choctaw;
is that right? A Yes, sir.
Q What makes you think she was? A Because I heard them say she was
Indian.
Q Who did you hear say that? A I heard my mother say so; my father
too.
Q How old were you when your father and mother died? A I was about
twelve or thirteen years old when my father died, but I didn't stay
with my mother long after my father died; I was raised off from my
mother.
Q

George Moore, 2.

- Q Do you know where Lucy Ann lived during her life time? A No, sir.
Q Know nothing about her at all? A No, sir.
Q Through which one of her parents, did your mother get her Choctaw blood? A From her mother.
Q What was her mother's name? A Maria Hicks.
Q How long has she been dead? A I don't know, sir.
Q Did you ever see her? A Yes, sir.
Q How long since you have seen her? A About twelve or thirteen years, as well as I can remember.
Q Was she a full blood Indian? A That's what they tell me.
Q You couldn't swear that she was a full blood Indian? A I am going by what I was told.
Q Who told you she was a full blood Choctaw Indian? A Yes, sir.
Q Who told you? A That lady there.
Q What's her name? A Malinda.
Q Malinda what? A Holgrove.
Q Any one else ever tell you she was a full blood Choctaw? A I heard them all around in the country talking about it.
Q You saw her yourself after you were grown? A No, sir, I didn't see her after I was full grown; I was very high grown; I seen her--
Q Well, was she a full blood Choctaw? A Yes, sir.
Q Do you know the name of either one of her parents? A No, sir, I do not.
Q Where was Maria born? A I do not know, sir.
Q Did she speak the Choctaw language? A I never heard her.
Q Are you married? A Yes, sir.
Q Is your wife living? A Yes, sir.
Q What's her name? A Adlima.
Q Has she any Choctaw blood? A I don't know, sir.
Q You make no claim for her, then? A No, sir.
Q Have you any children? A No, sir.
Q This application, then, is for yourself only? A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
Q Has any application of any description ever been made for you before to-day for the purpose of establishing your rights as a Choctaw Indian? A Not that I know of.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

This treaty was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay

George Moore, 3.

here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek; do you think you understand it? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not as I know of.

Q Did any of them live here at that time, seventy one years ago? A Not as I know of.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever get any land here in Mississippi under any other provision in that treaty, or under the supplement to the treaty? A Not as I know of.

Q Any of them ever get any money from the Government? A Not that I know of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the

George Moore, 4.

United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land; the records of the Government show that this agent failed to register and report to the Government the names of ~~such~~ many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive from the Government under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaw who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1843, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

An Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, and land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A

Q Not as I know of.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir, not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A There's a lady.

~~Exhibit~~

George Moore, 5.

Q What 's her name? A Malinda Stanley.

Q

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskegee, Indian Territory, and their testimony will be taken.

Q What do you expect to prove by Malinda Stanley? A About my grand mother Maria Hicks.

Q What do you expect to prove about her? A Being an injun.

Q Is that all Malinda knows? A Yes, they used to associate together.

Q Are there any further statements you want to make at this time?

A No, sir.

Q Have you any brothers or sisters living? A Yes, sir.

Q How many? A I has two brothers and three sisters.

Q What are the names of your brothers? A Jonnie Moore and Milton Johnson; my mother was married the second time, and Milton Johnson come in on the father's side.

Q What are the names of your sisters? A Mary, Emily Doneley.

Q Next one? A Ida Moore.

Q She is here now? A Yes, sir.

Q Next one? A Claudie Johnson.

Q Have any of them given in their testimony before the Commission?

A No, sir.

Q Have you any brothers or sisters dead who left children? A No, sir.

Q Any of your mother's brothers or sisters living? A No, sir.

Q Any of the children of any of your mother's brothers or sisters living? A Of my mother's brothers and sisters-they are all, as near as I can come at it dead.

Q Are any of your father's brothers or sisters living? A Not as I knows of.

Q Did he ever have any to your knowledge? A Not as I knows of.

Q Are any of the brothers or sisters of Maria Hicks living?

A Not that I knows of.

Q Did she ever have any brothers or sisters? A I heard her say she had brothers and sisters, but that's too far back.

Q Do you know whether any of the descendants of any of her brothers or sisters are living? A Not that I knows of.

Q Any of Lucy Ann's brothers or sisters living? A Not that I knows of.

Q Did she ever have any to your knowledge? A Not that I knows of.

Q Do you speak or understand the Choctaw language? A No sir.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood; he had dark eyes, straight black hair, very dark skin. The features are more like those of a white person than of an Indian. He does not speak or understand the Choctaw language.)

George Moore, 6.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribe, he reported in full all proceedings had in the above entitled cause on the 13th day of February, 1902, at Meridian, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

A. S. Streit
Subscribed and sworn to before me at Philadelphia, Mississippi,
this 5th day of March, 1902.

L. B. Mosely
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

D.W.L.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Moore, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of--

George Moore, M.C.R. 4759;
Ida Moore, et al., M.C.R. 4760.

D E C I S I O N .

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by George Moore, for himself, and by Ida Moore, for herself and her
minor orphan brother, Lonnie Moore, under the following provision
of the act of Congress approved June 28, 1896, (50 Stat., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and thirty,
and to that end may administer oaths, examine witnesses
and perform all other acts necessary thereto and make
report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Lucy Ann, who is alleged to have been a full-blood Choctaw Indian, and Maria (or Ann Maria) Hicks, who is alleged to have been either an one-half blood or a full-blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress, approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Lucy Ann, or the said Maria (or Ann Maria) Hicks, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

-3-

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Moore, Ida Moore and Lennie Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tamc Dixey.

Acting Chairman.

(SIGNED)

I. E. [unclear]

Commissioner.

(SIGNED)

Commissioner.

Dated at Muskogee,
Indian Territory, this
OCT 29 1902

M.C.R.4759.

COPY.

Muskogee, Indian Territory, October 29, 1902.

George Moore,

Greenwood, Mississippi.

Dear Sir:-

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

George Moore, M.C.R.4759;
Ida Moore, et al., M.C.R.4760.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Moore, Ida Moore and Lonnie Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identifica-

G. M., 2.

tion as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Dixey.
Acting Chairman.

Registered.

M.C.R.4759.

COPY.

Muskogee, Indian Territory, October 29, 1902 .

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

George Moore, M.C.R.4759;
Ida Moore, et al., M.C.R.4760.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Moore, Ida Moore and Lonnie Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as

A. W. J., 2.

such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James C. McLaughlin
Acting Chairman.

Registered.

M.C.R.4759.

COPY.

Muskogee, Indian Territory, October 29, 1902.

S. A. Beadle,

Attorney-at-Law,

Jackson, Mississippi.

Dear Sir:-

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

George Moore, M.C.R.4759;
Ida Moore, et al., M.C.R.4760.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Moore, Ida Moore and Lennie Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identifica-

S. A. B., 2.

tion as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James D. Dwyer
Acting Chairman.

Registered.

M.C.R.4759.

(COPY)

Muskogee, Indian Territory, October 29, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory

Gentlemen:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

George Moore, M.C.R.4759;
Ida Moore, et al., M.C.R.4760.

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Moore, Ida Moore and Lonnie Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identifica-

M., Mon. & C., 2.

tion as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Signed:

James H. H. H.
Acting Chairman.

COPY.

Muskogee, Indian Territory, November 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of George Moore, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 29, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

| | |
|-------------------|--------------|
| George Moore, | M.C.R. 4759; |
| Ida Moore, et al. | M.C.R. 4760. |

The Commission has the honor to report that the principal applicants in the several separate applications, their agent and attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 4759.

Acting Chairman.

(COPY)

Land

66822-1902

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, January 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration, the consolidated application of George Moore, for himself, Ida Moore for herself and her orphan brother Lonnie Moore, for identification as Mississippi Choctaws, wherein an adverse decision was rendered by the Commission to the Five Civilized Tribes October 29, 1902. The testimony in this case shows that the applicants base their claims to identification on their descent from Lucy Ann, and Maria (or Ann Maria) Hicks, whom it is alleged were members of the Choctaw tribe of Indians in Mississippi in 1830, through their descendants George Moore and Lela Ann (nee Moore). The Commission rejected the applicants because it did not appear from its records that the ancestors claimed under by the applicants complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

An examination of the records of this office discloses the fact that the names of Lucy Ann, Maria (or Ann Maria) Hicks, or Hardy Moore, and Lova Ann (nee Moore) do not appear among the names of those Choctaw Indians, who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, nor does it appear that they applied to the Commissions appointed under acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, as Choctaw Indians, if they had such rights.

These being the facts, the decision of the Commission rejecting the applicants is respectfully recommended for approval.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

(COPY)

D.C. 4339-1903

DEPARTMENT OF THE INTERIOR.

MAP.

ITD.862-1903.

Washington.

L R S

February 10, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 14, 1902, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of George Moore, and of Ida Moore and her minor orphan brother, Lonnie Moore, including your decision of October 29, 1902, adverse to the applicants.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Lucy Ann, alleged to have been a full blood Choctaw Indian, and of Maria (or Ann Maria) Hicks who is alleged to have been a half or a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that any one of their alleged ancestors complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837

-2-

(5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting January 19, 1906, the Commissioner of Indian Affairs recommends approval of your decision; a copy of his letter is inclosed.

The Department has carefully reviewed the record, and hereby affirms your decision.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure

M.C.R. 4759..

Muskogee, Indian Territory, February 21, 1903.

George Moore,
Greenwood, Mississippi.

Dear Sir:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Moore, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

Tam. Smith

Chairman.

M.C.R. 4759.

COPY.

Muskogee, Indian Territory, February 21, 1903.

S. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Moore, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

Tame Dixie.
Chairman.

COPY.

M.C.R. 4759.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Moore, et al., of which decision you were advised by mail on the 29th day of October, 1902.

Respectfully,

James A. Smith
Chairman.

M.C.R. 4759.

COPY.

Muskogee, Indian Territory, February 21, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Moore, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

Tamc Dixby.
Chairman.

Muskogee, Indian Territory, February 26, 1903.

Ida Moore,

Greenwood, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you ask if the Commission has notified the Secretary of the Interior of your case.

In reply to your letter you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor brother Lonnie Moore as Mississippi Choctaws.

On October 29, 1902, the Commission rendered its decision refusing your application and on the same date you were notified by registered mail of the action of the Commission, and that you were granted fifteen days from the date of said decision within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior.

The Commission, on November 14, 1902, forwarded the record in your case, together with its decision, to the Secretary of the Interior and on February 10, 1903, he approved said decision. You were notified of such departmental action on February 21, 1903,

I M 2

and the Commission now considers this case as closed.

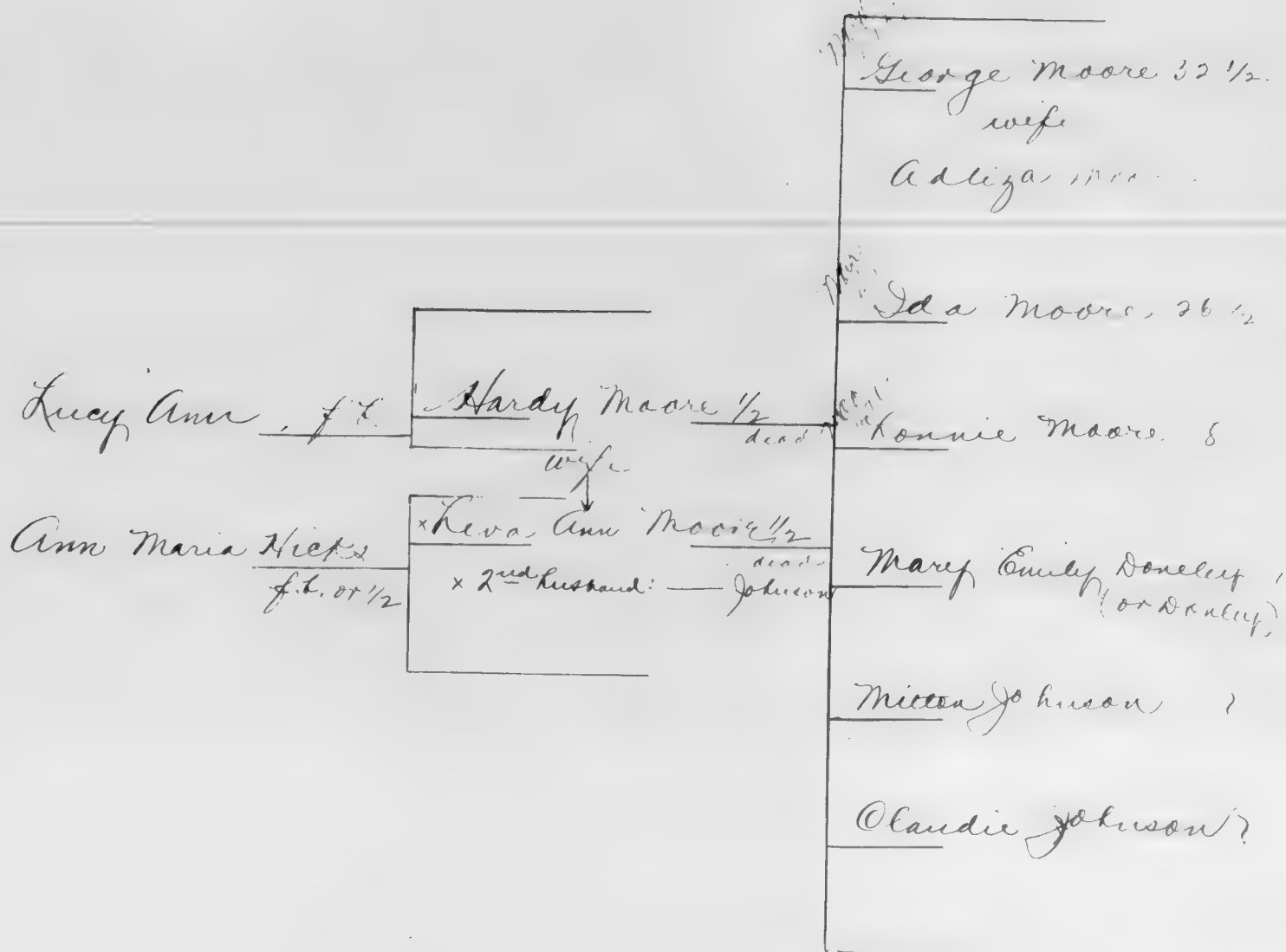
Respectfully,

Chairman.

PLP T. H. C. C.

George Moor.
: 101

Consolidated Case



#1778

No. 4759

For Identification as a Mississippi Choctaw.

Meridian Miss

FEB 13 1902

Date

Name

George Moore

Age

32

Blood

1/2

Post Office,

Greenwood, Miss.

Father:

Hardy Moore 1/2 d

Mother:

Levann

"

1/2 d

Claims through both parents.

Wife

Adeliza Moore

L

No claim for wife.

Claims for self only

Children:

Father's mother Lucy Ann

d

Mother's mother. Mariah Hicks.

d

P. B. Streit

Choctaw MCR 4760.

Ida Moore .

See MCR 4759

MCR 4760

4760
Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 13, 1902.

In the matter of the application of Ida Moore for identification as a Mississippi Choctaw for herself and minor orphan brother Lonnie Moore.

Appearances:

S. A. Beadle, Attorney for Applicant.

A. W. Jones, Agent for Applicant.

Ida Moore, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Ida Moore.
Q How old are you? A Twenty six.
Q How much Choctaw blood have you? A About half, as high as I can know. I was small when my parents died.
Q What's your post office address? A Greenwood, Mississippi.
Q How long have you lived at Greenwood? A Five years.
Q What county is that in? A Leflore County.
Q How long have you lived in that county? A Five years.
Q Where did you live before that? A Carroll County.
Q How long did you live there? A Twelve or fifteen or sixteen years, I reckon. Born in Carroll County, and left Carroll County and went to Leflore County.
Q Is your father living? A No, sir.
Q What was his name? A Hardy Moore.
Q Is your mother living? A No, sir.
Q What was her name? A Leva Ann.
Q Through which one of your parents did you get your Choctaw blood?
Q I was told through both.
Q How much Choctaw blood did your father have? A Half, I think.
Q And your mother? A I don't know.
Q What did you understand your mother had? How much do you think she had of Choctaw blood? A I think she had about one third, so far as I can get an account of.
Q Where did your father and mother live during their lives? A Well, that's as far as I know; they lived in ~~Choctaw~~ Leflore County and moved from Leflore County
Q They lived here in Mississippi all their lives; is that right?
A Yes, sir.
Q Were either of them slaves? A Not that I know anything of. I was small when they died.
Q Didn't you hear anyone say? A I don't know anything of it.
Q Are you a full sister of George Moore who just appeared before the Commission? A Yes, sir.
Q Through which one of his parents did Hardy Moore your father get his Choctaw blood? A His mother, I think.
Q What was her name? A I was told that her name was Lucy Ann by my older sisters and brothers.
Q

Ida Moore, 2.

- Q Did you ever see her? A Never did.
- Q Do you know anything whatever about her? A Not a thing.
- Q According to your statement she must have been a full blood Choctaw; is that right? A Yes, sir.
- Q Is that your understanding? A So far as I know; I never seen her.
- Q Do you know where she lived during her life? A No, sir.
- Q Through which one of her parents did your mother get her Choctaw blood? A From her mother.
- Q What was her name? A Ann Maria Hicks.
- Q Did you see her? A Yes, sir.
- Q When did she die? A Well, about twelve or thirteen years, I think it is.
- Q How much Choctaw blood did she have? A I don't know; 1/3, I reckon, or half; about a half, I reckon.
- Q Did she speak or understand the Choctaw language? A Not as I knows of. I didn't hear her.
- Q Do you know the names of her parents? A No, sir.
- Q Know nothing about them? A No, sir.
- Q Where was Maria Hicks born? A I don't know, sir.
- Q You don't know anything about her residence then prior to your birth? A No, sir.
- Q Are you married? A No, sir.
- Q Ever been married? A No, sir.
- Q Do you want to make an application for anybody besides yourself?
- A My brother, Lonnie Moore.
- Q Is he a full brother of yours? A Yes, sir.
- Q How old is he? A He is eighteen.
- Q With whom does he live? A He lives with me.
- Q How long have you taken care of him? A I have taken care of him about nine years; between nine and ten years.
- Q Been loving with you? A Yes, sir.
- Q You have supported him during that time? A Yes, sir.
- Q With whom was he living prior to that time? A Before, he lived with his mother.
- Q Have you ever been legally appointed guardian for him? A No, sir.
- Q Have not? A No, sir.
- Q He is living with you at this time, is he? A Yes, sir.
- Q Is this application made for him with his knowledge? Does he know you are making this application? A He told me to do it if I could.
- Q This application, then, is for yourself and one minor orphan brother? A Yes, sir.
- Q Is your name, or the name of this brother, to be found upon any of the Choctaw tribal rolls in Indian Territory? A What is it?
- Q Is your name, or the name of this brother, to be found upon any of the Choctaw tribal rolls in Indian Territory? A On the rolls in the Territory? A Not as I knows of.
- Q Has any application ever been made for yourself or this minor brother before to-day looking to the establishment of your rights as Choctaw Indians? A Not as I knows of.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor brother under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Do I understand what?
- Q The 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

Ida Moore, et al., 3.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out to the new Nation might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article of the treaty of Dancing Rabbit Creek now? A Do I think I understand it? Yes.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive --? A What is it?

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Did they ever try?

Q Ever comply - do as that 14th article said they should do seventy one years ago? A Not that I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not as I know of.

Q Did any of them live here at that time? A I don't know.

Q Did any of them remove to the present Choctaw Nation, in Indian

Ida Moore et al., 4.

at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Moved from here there? I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land under the 14th article? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Did they ever receive any? Not that I know of.

Q Did they ever make claim to land here that you know of? A No, sir.

Q Did any of your ancestors ever get any land here in Mississippi from the Government of the United States to your knowledge? A Not that I know of.

Q Did any of them ever get any money from the Government? A Not as I know of.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Ida Moore, et al., 5.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States Under this Act of Congress? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A Not that I know of.

Q Have you any written evidence of any kind to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A Mrs. Malinda Stanley.

Q What do you expect to prove by her? A By my mother's side, and my mother's mother; what kind of an Indian she is and how much she is.

Q Is that all? A Yes, sir, and her associate - they associated together.

Q Do you speak the Choctaw language? A No, sir.

Q Are there any further statements you want to make? A No, sir.

Q How many brothers have you living? A Three.

Q What are their names? A George, and Lennie Moore and Milton Johnson.

Q Is Milton Johnson a full brother? A No, sir, Milton Johnson is a half brother by same mother.

Q Have you any sisters living? A Yes, sir.

Q What are their names? A Mary Emily Donley and Claudie Johnson.

(This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood. She has dark eyes, straight black hair and dark skin. Her features are not those of an Indian, but resemble those of a white person. She does not speak or understand the Choctaw language.)

(Applicant excused.)

Malinda Stanley, having been first duly sworn as a witness in behalf of the above named applicant, upon her oath testified as follows:

Examination by the Commission.

Ida Moore, et al., 6.

Q What is your name? A Malinda Stanley.
Q How old are you? A I guess I am about fifty years old.
Q What's your post office address? A Greenwood, Mississippi.
Q How long have you lived there? A Been around about Greenwood about thirty three years nearly.
Q Where did you live before that? A In Carroll County, Mississippi? A Yes, sir.
Q Have you any Choctaw blood? A Well, my mother said so. We come from the Indian Nation.
Q You are an applicant before the Commission, are you? A Yes, sir.
Q Intend to make application? A Yes, sir.
Q Are you acquainted with George Moore and Ida Moore, who appeared here this morning? A Yes, sir.
Q Are you any kin to them? A No, sir.
Q Are you interested in any way in the result of their applications? A No, sir, just know them.
Q Well, what relation is Ida to George? A Sisters and brother.
Q Full? A Yes, sir, been always spoke that way before me.
Q Is Ida a brother by the name of Lonnie living? A Yes, sir.
Q About how old a boy is? A He told about eighteen years.
Q Does this boy live with her? A Yes, sir.
Q Parents both dead? A Yes, sir.
Q How long has he lived with Ida? A Been with her a great while about nine or ten years, she said. I have not been with them all the time; she just come to Greenwood in the last five years; but we used to live in Carroll County together.
Q Has Ida any Choctaw blood? A My mother?
Q Has Ida any Choctaw blood? A I don't know.
Q Were you acquainted with her father and mother? A Yes, sir.
Q What was her father's name? A Hardy Moore.
Q What was her mother's name? A Leva Ann Moore.
Q Were they slaves? A Well, I didn't know them until I was free, until this freedom come about.
Q Did you ever hear whether they were or not? A No sir, never heard nothing about that; just met up with them by living around.
Q When did you first meet Hardy Moore? A Its been a long time.
Q About how long? A I reckon twenty five years.
Q Where? A Down in the middle part of Carroll County. Dr. Hick's plantation.
Q You met Leva Ann at the same time? A Yes, sir.
Q Did you ever know Hardy's father or mother? A No, sir.
Q Did you ever know Leva Ann's father or mother? A Knowed her mother, but not her father.
Q What was her mother's name? A Maria Hicks.
Q When did you meet her? A At the time I met them all.
Q They all lived there together? A Yes, sir.
Q Were you pretty well acquainted with Maria? A She visited me all the time.
Q Maria did? A Yes, sir.
Q How much did she claim to have? A I didn't notice it; I didn't pay no attention.
Q She was a slave? A I don't know sir, that; she was free when I met her.
Q Well, now, do you know whether Maria had any other blood besides Indian blood? A No, sir, I don't know; they all were bright; I don't know what she had.

Ida Moore, et al., 7.

Q Didn't she have some negro blood? A Yes, sir, she must have had, I reckon.

Q Must have had some? A Yes, sir; she looked like a half breed.

Q Your mother told you Maria was a half breed? A Yes, sir.

Q When did Maria die? A About twelve or thirteen years ago.

Q About how old was she when she died? A She was a right old woman.

Q Do you know where she was born? A No, sir, I do not.

Q You know nothing of her residence prior to twenty five years ago?

A No, sir.

Q Well, now, did Leva Ann have any Choctaw blood, or do you know?

A I don't know

Q Did Hardy Moore have any Choctaw blood? A They said he was.

Q Who said that? A My mother and Maria talked it that they were Indians

Q How much Choctaw blood did Hardy have? A I don't know; I have no idea.

Q Do you know which one of his parents had Choctaw blood? A No, sir

Q Don't know? A No, sir.

Q Could Hardy or Leva Ann, either of them, speak the Choctaw language

A No, sir, not that I knows of.

Q Could Maria? A I think she talked with my mother about it

Q Could you swear that she spoke the Choctaw language, or understood it? A Well --

Q I am talking about Maria, and you understand you are under oath.

Could you swear that she spoke or understood the Choctaw language?

A No, sir, I couldn't swear positive; I just know they claimed to be Indians.

Q You don't know whether any of the ancestors of Ida Moore, or George Moore, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, do you? A No, sir.

By S.A.Beadle:

Q Mrs. Stanley when did you say you first met these people? A Down at Hick's plantation.

Q In Leflore County or Carroll County? A Carroll County.

Q Who was there when you met them? A We all lived there in the place.

Q I mean who of this young man's people were there? A His mother and his eldest sister and father on that place.

Q Did you see his grandmother there, Maria? A Yes, sir

Q And his mother and his eldest sister, and his father? A Yes, sir.

Q And his grandmother? A Yes, sir.

Q You say they were there to see your mother? A Yes, sir to visit my mother and a heap of time-often.

Q Do you know or not know whether these people you met there claimed to be Indians among themselves and were called to be Indians?

A The old grandmother did.

Q What was her name? A Maria.

Q Did she claim to be a full blood Choctaw Indians? A She claimed to be an Indian

Q What kind of an Indian? A Choctaw Indian.

Q She claimed to be a Choctaw Indian? A Yes sir. She claimed to be a Choctaw Indian.

Q Did she claim this young man's mother as her child? A Yes, sir.

Ida Moore, et al., 8.

Q At this meeting when you met her there? A Yes.

By Commission:

You think you have told all you know about this case? A Yes, sir.
Q Are there any further statements you want to make in regard to the matter? A No, sir.

(This witness is a negro of average intelligence.)

R. S. Streit, having been first duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 13th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Philadelphia, Mississippi this 6th day of March, 1902.

R. S. Streit
L. B. Mosely
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

M.C.R.4760.

COPY.

Muskogee, Indian Territory, October 29, 1902.

Ida Moore,
Greenwood, Mississippi.

Dear Madam:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

George Moore, M.C.R.4759;
Ida Moore, et al., M.C.R.4760.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George Moore, Ida Moore and Lonnie Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identifica-

I. H., 2.

tion as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James S. Gandy
Acting Chairman.

Registered.

M.C.R. 4760.

Muskogee, Indian Territory, November 25, 1902.

Ida Moore,

Greenwood, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of the certificate of H. K. Whitehead, M.D., under date of November 18, 1902, certifying to the fact that you were sick and unable to attend to any business, and asking that you be allowed further time to make proof of your identity as a Mississippi Choctaw.

The same is returned to you herewith for the reason that on November 14, 1902, the record in your case was forwarded to the Secretary of the Interior for review, and you will be notified in due time of such action as may be taken by him.

The Commission cannot therefore accept any further evidence in your case pending the action of the Secretary of the Interior.

Respectfully,

Acting Chairman.

Enc.
R.B.W.202.

Muskogee, Indian Territory, November 25, 1902.

Ida Moore,

Greenwood, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of the affidavit in interrogatory form of Ben Putnam, bearing date of November 20, 1902, offered for filing in support of application made by you for identification of yourself and minor children as Mississippi Choctaws.

The same is herewith returned to you for the reason that the 15 days from October 29, 1902, granted you for filing argument in your case, expired on November 13, 1902, and on the following day, November 14th, the record therein was forwarded to the Secretary of the Interior for review, and you will be notified in due time of such action as may be taken by him.

The Commission cannot, therefore, accept any further evidence in your case pending the action of the Secretary of the Interior.

Respectfully,

Enc.
R.B.R. 203.

Acting Chairman.

M.C.R. 4760.

Muskogee, Indian Territory, February 21, 1903.

Ida Moore,

Greenwood, Mississippi.

Dear Madam:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George Moore, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

Tame Bixby.
Chairman.

Muskogee, Indian Territory, April 22, 1905.

Ida Moore,

Greenwood, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 16th instant, asking to be advised relative to your rights to identification as a Mississippi Choctaw. You state that you sent the evidence of Ben Putnam to Washington and ask if the Commission has heard anything from the same.

In reply you are informed that on February 10, 1903, the Secretary of the Interior approved the Commission's decision of October 29, 1902, refusing the application made by you for the identification of yourself and minor child as Mississippi Choctaws.

Your case is now considered closed, and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

You are further advised that this office has not been notified by the Department of the filing of any additional evidence in support of your claim.

Respectfully,

Chairman.

779

No. 2760

For Identification as a Mississippi Choctaw.

Meridian Miss.

Date

FEB 13 1902

Name

Ida Moore

Age

26

Blood

 $\frac{1}{2}$

Post Office,

Greenwood, Miss.

Father:

Hardy Moore $\frac{1}{2}$ d

Mother:

Leva-Ann $\frac{1}{4}$ d

Claims through

both parents.

Children:

Lennie Moore

18

Claims for self and one

minor brother.

B. L. Stetson

Choctaw MCR 4761

Malinda Stanley

MCR 4761

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Malinda Stanley
for identification as a Mississippi Choctaw, M O R 4761.

List of papers forwarded to the Secretary of the Interior
comprising the record in above entitle case.

Original application of Malinda Stanley
to the Dawes Commission for identifi-
cation as a Mississippi Choctaw.....1

Decision of the Commission refusing the ap-
plication of Malinda Stanley for identi-
fication as a Mississippi Choctaw..... 7

476

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 13, 1902.

In the matter of the application of Malinda Stanley, for
identification as a Mississippi Choctaw.

Appearances:

S. A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Malinda Stanley, having been first duly sworn, upon her
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Malinda Stanley.
Q How old are you? A Fifty.
Q How much Choctaw blood have you? A My father was whole; I reckon I would be half.
Q What's your post office address? A Greenwood, Mississippi.
Q What county? A Leflore.
Q How long have you lived in Leflore County? A I reckon about thirty three years.
Q Where did you live before that? A In Carroll County, near Black Hawk.
Q Were you born in Carroll County? A No, sir, born in the Choctaw Nation.
Q Indian Territory? A Yes, sir, and brought to this country when I was a baby.
Q Where were you born in the Choctaw Nation, in Indian Territory? A I do not know, sir.
Q How old were you when you were brought here? A My mother said fifteen months old.
Q And you have lived here ever since? A Yes, sir.
Q Were you a slave? A I don't know, whether I was or not. I was with Indians all the time.
Q You were not with the Indians when you came back here? A I lived with the Indians.
Q Was your mother a slave? A I don't know that; mother and I lived with the Indian folks.
Q Where? A Here near Black Hawk in Carroll County.
Q How long did you live with them? A From the time they brought me here until this freedom taken place.
Q How did it come you left them, then? You belonged to some of them, did you? A Yes, sir, that's right.
Q What was the name of your owners? A Jim Stanley.
Q Where did Jim Stanley live? A He went back to the Indian Territory and died there.
Q When did he leave Carroll County and go back there? A Been gone back there thirty years.
Q What was the name of your father? A Eastman Lowman.
Q You claim that he had some Choctaw blood? A Well, Choctaw; she told me my father was whole Indian.

Malinda Stanley, 2.

- Q How long has he been dead? A He aint dead that I knows of.
- Q Where does he live? A We left him in the Indian Territory, farming there.
- Q You don't remember him, of course? A No, sir.
- Q He never came back here to Mississippi to see you? A No, sir.
- Q Is your mother living? A No, sir.
- Q What was her name? A Sallie Stanley. Mother died in 1874.
- Q How old was she when she died? A She claimed to be sixty three.
- Q She had no Choctaw blood at all? A Yes, she claimed to be part Injuntoo.
- Q How much Indian blood did she claim to have? A She didn't never saw, but she claimed to be.
- Q You have no idea how much Choctaw blood she had? A No, sir.
- Q You claim through your father then? A Yes, sir.
- Q Do you know how old Eastman Lowman is? A No, sir.
- Q You never have heard of him since you left him? A No, sir.
- Q All you know is what your mother told you? That a man by the name of Eastman Lowman was your father, and he was a full blood Choctaw and lived in the Indian Nation? A Yes, sir.
- Q Did she ever tell you whether she was married to this man, or not? A No, sir, never did.
- Q Did she ever tell you either way, whether she was or not? A No, sir.
- Q Do you know about that, whether she was married to him or not? A No, sir.
- Q Did she ever have any other children by this Indian? A Yes, sir, seven or eight over there.
- Q Those six children of hers that were left over there in the Territory, do you know whether they were children by this man, Lowman or not? A No, sir, I was only fifteen months old myself.
- Q Do you know the names of those other children? A None of them.
- Q What are the names of some of them? A Jerry and Moses, Caroline, Sucky and Dinah and Cynthia Ann.
- Q Have you ever heard from them since you left there? A No, sir.
- Q You don't know whether they are living or anything about it? A No, sir.
- Q Do you know the name of Eastman's father or mother? A No, sir.
- Q Do you know through which one of his her parents your mother got her Choctaw blood? A No, sir.
- Q Are you married? A Yes, sir, I have been married; I am not married now.
- Q Your husband dead? A No, sir.
- Q You make no claim for him? A No, sir.
- Q How many times have you been married? A Twice.
- Q You make no claim for either of your husbands? A No, sir.
- Q Have you any children living? A No, sir.
- Q This application, then, is for yourself only, is that right? A yes, sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir, not that I knows of.
- Q Has any application of any description ever been made for you before to-day for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under

Malinda Stanley, 3.

article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

This treaty was entered into here in Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, out to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; Said reservations shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek; do you understand it? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under it? A Not as I know of.

Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made, seventy one years ago? A Not as I know of.

Q Did any of them live here at that time? A Not as I know of.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? That was nearly seventy years ago? A No, sir.

Q Did any of your Choctaw ancestors, within six months after the

Malinda Stanley, 4.

treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the states and take land? A No, sir, not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not as I knows of.

Q Or under any other provision in that treaty? A No, sir.

Q Did any of them ever get any money from the Government?

A Not that I knows of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I knows of.

An Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Malinda Stanley, 5.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this Act of Congress? A Not that I knows of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence to offer at this time? A No, sir.

Q Have you any witnesses here to-day? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Meridian, Mississippi, before the 15th of this month, or within a reasonable time thereafter at the General Office of the Commission, in Muskogee, Indian Territory, and their testimony will be taken.

Q Is there any thing further you would like to say? A No, sir.

Q Do you speak or understand the Choctaw language? A Not now, I don't. When I first could learn to talk, I talked that way. But, I have lived in Mississippi and been trained to this other language.

Q Where did you learn the Choctaw language? A My mother.

Q Where? A Here in Carroll County. She could talk just like that Indian yonder.

Q Have you any relatives living in this country? A Not as I knows of.

Q Not a one? A No, sir.

Q No kin folks? A None but my sister's children - my sister.

Q What are their names? A Sallie.

Q Sallie is your sister? A Sister's child.

Q What's your sisters name? A Indiana.

Q What was her other name? A Indiana Turner.

Q Where does Indiana Turner live? A She's dead.

Q She is the child? A She stays with me.

Q She is a half sister of yours? A Yes, sir, half sister.

Q The child then has no Choctaw blood? A No, sir, I suppose not.

(This applicant has the appearance of being possessed of a mixture of Negro and either white or Indian blood, in which the negro predominates. Her hair, however, is black and inclined to be straight. She does not speak or understand the Choctaw language.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized

Malinda Stanley, 6.

~~XXXXXXXXXX~~

Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 13th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Stair
Subscribed and sworn to before me at Philadelphia, Mississippi,
this 6th day of March, 1902.

L. B. Mosley,
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By

[Signature]

Deputy.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Malinda Stanley
for identification as a Mississippi Choctaw. M.C.R. 4761.

---: D E C I S I O N :---

It appears from the record herein that an application
for identification as a Mississippi Choctaw was made to this Commis-
sion by Malinda Stanley for herself, under the following provision
of the act of Congress approved June 28, 1896, (30 Stats., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September
twenty-seventh, eighteen hundred and thirty, and to that
end may administer oaths, examine witnesses and perform
all other acts necessary thereto and make report to the
Secretary of the Interior."

It also appears that said applicant claims rights in
the Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descendant

of Eastman Lowman, who is alleged to have been a full blood Choctaw Indian, and Sallie Stanley, who is alleged to have been a Choctaw Indian (degree of blood not stated).

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Eastman Lowman, or Sallie Stanley, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842 (5 Stats., 313).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

(3).

Malinda Stanley as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamie Birby.

Acting Chairman.

I. E. Needles.

Commissioner.

C. R. Dickinson.

Commissioner.

Waskogie, Indian Territory,

OCT 29 1907

Muskogee, Indian Territory October 29, 1902.

Malinda Stanley,

Greenwood, Mississippi.

Dear Madam:

You are hereby advised that on the 29th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Malinda Stanley an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Malinda Stanley as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review

M S -2

to the Secretary of the Interior through the Commissioner of Indian
Affairs.

Respectfully,

Tame Dixey.

Acting Chairman.

Registered.

Huskogee, Indian Territory October 29, 1902.

A. V. Jones, Agent,

Huskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 29th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Malinda Stanley an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Malinda Stanley as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

A. V. J -2

time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamo Dixoy.
Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory October 22, 1902.

C. J. Beadle,

Attorney at Law.

Jackson, Mississippi.

Dear Sir:-

You are hereby advised that on the 22th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Malinda Stanley an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Malinda Stanley as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to

S A B -2

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Sam. Dwyer
Acting Chairman.

Registered.

M.C.R. 4761.

Muskogee, Indian Territory October 29, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Malinda Stanley an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Malinda Stanley as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to

M M & C -2

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tamie Dwyer.
Acting Chairman.

Muskogee, Indian Territory, November 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Malinda Stanley an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 29, 1902.

The Commission has the honor to report that the applicant in this case, her attorney of record, her agent and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Jan.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Enc. M C R 4761.

(COPY)

Land
68816--1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, February 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Malinda Stanley, for identification as a Mississippi Choctaw, wherein a decision adverse to the applicant was rendered by the Commission on October 29, 1902.

The testimony in this case shows that the applicant bases her claim to identification as a Mississippi Choctaw under this application, because of her descent from Eastman Lowman and Sallie Stanley. She claims that her ancestors were Choctaw Indians, and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicant because the names of the parties through whom she claims do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and

for the additional reason that the applicant herself had never been enrolled as a citizen of the Choctaw Nation.

An examination has been made of the records of this office with reference to Eastman Lowman and Sallie Stanley, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty of 1830.

This being the case it is evident that the decision of the Commission rejecting the applicant was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner,

Action Commissioner.

E.B.H.(F.)

(COPY)

D.C.No.5471-1903.

DEPARTMENT OF THE INTERIOR.

MAF.

Washington.

ITD.1282-1903.

February 21, 1903.

L R S

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 14, 1902, you transmitted the record in the matter of the application of Malinda Stanley for identification as a Mississippi Choctaw, including your decision of October 29, 1902, refusing the application.

The applicant claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of Eastman Lowman, alleged to have been a full blood Choctaw Indian, and of Sallie Stanley, who, the applicant states, was a Choctaw Indian.

The records fail to show that applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that either of her alleged ancestors complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 5, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and hereby affirms the same.

Respectfully,

(Signed) Thos. Ryan,
Acting Secretary.

1 inclosure.

M.C.R. 4761

Muskogee, Indian Territory, March 6, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Malinda Stanley for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 29th day of October, 1902.

Respectfully,

Malinda Stanley
Chairman.

M.C.R. 4761

Muskogee, Indian Territory, March 6, 1903.

A.W. Jones,
Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Malinda Stanley, for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

W. H. H. H.
Chairman.

M.C.R.4561.

Muskogee, Indian Territory, March 6, 1903.

S.A. Beadle,
Attorney-at-Law,
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Malinda Stanley, for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

John M. Smith
Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. F. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING.

M.C.R. 4761.

ALLISON I. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 6, 1903.

Malinda Stanley,
Greenwood, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,



Chairman.

4761.

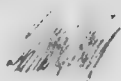
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EDITOR,

SIR,

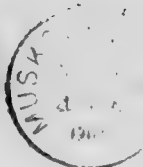
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Department of the Interior.

Commission to the Five Civilised Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Malsuda Stanley
Greenwood
Miss

UNCLAIMED

1780

No.

4731

For Identification as a Mississippi Choctaw.
Meridian Miss.

Date

FEB 13 1902

Name

Malinda Stanley

Age

50

Blood

1/2

Post Office,

Greenwood, Miss

Father:

Eastman Lowman

Mother:

Sallie Stanley

Claims through *father*

Claims for self only

Children:

Stenographer

R. S. Strick

Choctaw MCR 4762

Nettie Smith

MCR 4762

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nettie Smith, et al.,
for identification as Mississippi Choctaws, M O R 4762.

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Nettie Smith, et al.

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| Original application of Nettie Smith, et al., to the
Daves Commission for identification as Mississippi
Choctaws | 1 |
| Decision of the Commission refusing the application of Nettie
Smith, et al., for identification as Mississippi Choctaws | 6 |

4762

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 13th, 1902.

In the matter of the application of Nettie Smith for the identification of herself and minor son, Everett, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Nettie Smith, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Nettie Smith.
Q How old are you? A About forty-nine or fifty.
Q How much Choctaw blood have you? A My father was a full blood.
Q Choctaw? A Yes sir.
Q Did your mother have any Choctaw blood? A She was half-my grandmother was about a half Choctaw too.
Q Your mother's mother? A yes sir.
Q Did your mother's father have any Choctaw blood? A I don't know whether he did or not-I don't remember.
Q You claim, then, to be a three-quarters blood Choctaw, do you? A Yes sir.
Q What's your postoffice address? A Greenwood, Mississippi.
Q What County? A LeFlore County.
Q How long have you lived in LeFlore County? A I lived there about twelve years.
Q Where did you live before that? A In Carroll County.
Q This State? A yes sir.
Q Where did you live before that? A In Alabama-bred and born there.
Q Where-what County? A Talladega County.
Q How old were you when you lived there? A Fourteen or fifteen years I reckon.
Q Came right over to Carroll County, Mississippi, did you? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A John Partlow.
Q Is your mother living? A No sir.
Q What was her name? A Martha.
Q How much Choctaw blood did your father have? A He was all Indian.
Q When did he die? A I couldn't tell how long.
Q About how long? A About fifteen or twenty years I reckon-I don't know.
Q Did he die before the surrender or after? A Directly after.
Q How old a man was he when he died? A About thirty or forty I reckon.
Q Did you ever see him? A Yes sir, I saw him when I was small.
Q He wasn't married to your mother, was he? A Yes sir, I reckon he was.
Q Do you know whether he was? A I don't know exactly whether he was married to her or not-I know they was together when I knewed them.
Q How many children did she have by this man? A Five.
Q Were they all born before the surrender? A No sir, some of them

Nettie Smith et al--2

born after-the two boys.

Q How much Choctaw blood did your mother have? A I believe she had about half-her father was part Indian.

Q What was his name? A I forget his name.

Q Did your mother's mother have any Indian blood? A Yes sir, she was half Indian. My grandmother, she died when I was small. I heard her say her mother was a half Indian.

Q What was your mother's mother's name? A Rebecca.

Q You never saw her? A I saw her but I was so small I don't remember.

Q Did you ever see your mother's father? A I saw him but I can't remember him.

Q Were you a slave? A I wasn't big enough to be.

Q You were born in slavery weren't you? A I reckon-I don't know. I reckon I was.

Q Was your mother a slave? A Yes sir.

Q How old would your parents be if they were living now? A My mother would be about seventy years old.

Q Was she older or younger than your father? A I don't know.

Q Do you know the name of your father's father? A No sir.

Q Or his mother? A No sir.

Q Where was your mother born? A In Alabama.

Q What place? A In Talladega County.

Q She lived there until she moved to Mississippi with you? A Yes sir, she moved to Mississippi and died here but my father died in Alabama.

Q Your father never lived here in Mississippi, did he? A No sir.

Q Did any of your ancestors, except your mother, ever live here in Mississippi? A I had two aunts lived here.

Q Your mother's sisters? A Yes sir.

Q Is that all? A Yes sir.

Q Are you married? A ~~yes sir~~ No sir, my husband is dead.

Q Were you married more than once? A Married twice.

Q Both of your husband's are dead? A Yes sir.

Q How many children have you? A One living and five dead.

Q What is the name of the child that's living? A Everett.

Q How old is Everett? A About fifteen years old.

Q Is he living with you now? A No sir, he's off at school.

Q What's the name of his father? A Alex McCain.

Q Did he have any Choctaw Indian blood? A No sir.

Q Was he your first husband? A No sir, my last husband.

Q How did you come to go by the name of Smith? A I used to be called that-that was my first husband's name.

Q What about this boy of yours-does he go by the name of Everett Smith? A Yes sir.

Q This application is for yourself and one minor child, is that right? A Yes sir.

Q Is your name or the name of this child on any of the Choctaw Tribal rolls in Indian Territory? A No sir.

Q Has any application ever been made before today for you or this child for the purpose of securing your rights as Choctaw Indians?

A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek?

A Yes sir, I believe I do.

Q Did any of your ancestors ever comply or attempt to comply with

Nettie Smith et al---3

its provisions or ever receive any benefits thereunder-your old folks your forefathers? A No sir.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made-71 years ago? A No sir.

Q Did any of them, in fact, live here in the old Choctaw Nation at that time-71 years ago? A Not that I know of.

Q They were living over in Talladega County, Alabama, weren't they? A Yes sir, they all come from there.

Q Did any of your ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Did any of them ever get any land under any other provision of that treaty? A No sir.

Q Did any of them ever get any money from the Government? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissions to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know anything about that.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not as I know of.

Q Do you know any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence to offer at this time? A No sir.

Q Any witnesses? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q Do you speak or understand the Choctaw language? A No.

Q Have you any brothers living? A No sir.

Q Any sisters? A One.

Q What's her name? A Pennie Miller.

Q Where does she live? A She lives in Carroll County.

Q Has she been before the Commission? A No sir.

Q Have you any brothers or sisters dead who left children? A No sir, I aint got no brothers or sisters dead-I got a sister dead who left grandchildren. My sister died and she left two children and they grew up and married and had children and now they are dead and left children.

Q What was the name of your sister? A Elvira Jamison.

Q Now, she left two children? A Yes sir and they married and got children.

Q What are the names of those two children of your sister? A Mat Long, and the other one was named Flemmer Jamison.

Q Are any of Mat's children living now? A Yes sir, three.

Q Do you know their names? A Yes sir, Walter, Will and Douglas-they're little children.

Q With whom do these children live? A They live with my sister who's living-they live with Pennie Miller.

Q How many children has Flemmer living? A Two.

Nettie Smith et al---5

Q What are their names? A I forgot their names.
Q Where do they live? A They lives up here in this State with his wife.
Q What is the name of their mother? A Maggie.
Q Are any of your mother's brothers or sisters or any of their children living? A Yes sir, she's got one sister living.
Q What is the name of your mother's sister who is living? A Pennie Liddell.
Q Where does she live? A Lives in Grenada County.
Q Has she been before the Commission? A No sir.
Q Has your mother any brothers or sisters dead who left children? A No sir-she had one sister dead who left children but I don't know anything about them.
Q Are any of your father's brothers or sisters or any of their children living? A No sir.

Examination by Mr. Beadle:

Q How long did your mother and father live together as husband and wife? A I couldn't tell you.
Q Did they live together as husband and wife until these five children were born? A Yes sir.
Q They had five children, then, when they were together as husband and wife? A Yes sir.
Q Did they always live there in Alabama? A Yes sir.
Q You don't know whether they were married or not? A No sir, they was together when I was big enough to know anything.
Q How long did you know them to live together? A A long time-I ~~am~~ couldn't tell exactly.
Q As much as ten years? A Yes sir, I reckon it was ten years.

Commission:

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood-her hair is almost straight and black-she does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 13th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 6th day of March, 1902, at Philadelphia, Mississippi.

L. B. Morley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

L. & D.
C. W.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nettie Smith, et al.,
for identification as Mississippi Choctaws, N O B 4762.

DECISION.

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Nettie Smith for herself and her minor child, Everett Smith, under the following provision of the Act of Congress approved June 28, 1878, (20 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Rebecca, who is alleged to have been a half

blood Choctaw Indian, and of John Partlow, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It is found that the name of one Rebecca appears upon page 81 of Volume 1 of the Claimants' Brief and Evidence in the case of the Choctaw Nation versus the United States, before the Court of Claims, No. 12742, in a list of names of Choctaw Indians upon Colonel George W. Martin's Register of claimants under article fourteen of the treaty of "Dancing Rabbit Creek" of September twenty-seventh, eighteen hundred and thirty, said name having been so listed on October 21, 1835. It is not shown by the evidence offered by the applicants that the Rebecca through whom they claim is the identical Rebecca whose name appears in the record above cited.

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Rebecca through whom these applicants claim, or John Partlow signified (in person or by proxy) to

Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nettie Smith and Everett Smith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED)

Sam Dineen

Acting Chairman

(SIGNED)

T. B. Needles

Commissioner

(SIGNED)

C. T. Brockinridge

Commissioner

Muskogee, Indian Territory

DEC 22 1902

Muskogee, Indian Territory, December 22, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 22nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Nettie Smith, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nettie Smith and Everett Smith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm D. Smith
Acting Chairman.

COPY

Muskogee, Indian Territory, December 22, 1902.

Nettie Smith,

Greenwood, Mississippi.

Dear Madam:

You are hereby advised that on the 22nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Nettie Smith, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nettie Smith and Everett Smith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Nattie Smith-2

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixty.
Acting Chairman.

Registered.

30PV

Muskogee, Indian Territory, December 22, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 22nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Nettie Smith, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1896 (30 Stats., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nettie Smith and Everett Smith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

A. W. Jones-2

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James L. Dwyer.
Acting Chairman.

Registered.

Muskogee, Indian Territory, December 22, 1902.

C. A. Beadle,
Attorney at Law,
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 22nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Nettie Smith, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nettie Smith and Everett Smith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

S. A. Beadle-2

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Lance Bixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 7, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Nettie Smith, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 22, 1902.

The Commission has the honor to report that the principal applicant herein, her agent, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 4762

M C R 4762

Muskogee, Indian Territory, January 12, 1903.

Nettie Smith,
Care of Geo. N. Morris, Box 321,
Greenwood, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant, relative to the decision of the Commission in your case. You give the names of your ancestors and state that you have no further evidence to offer.

In reply to your letter you are informed that the fifteen days from December 22, 1902, heretofore granted you to file arguments in your case, expired on January 6, 1903. On January 7, 1903, the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and minor child as Mississippi Choctaws, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Acting Chairman.

Land.
2194 -1903.

C O P Y.

Department of the Interior,
Office of Indian Affairs,

Washington, Jan. 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated January 7, 1903, forwarding the record relative to the application of Nettie Smith, et al., for identification as Mississippi Choctaws.

Nettie Smith applies for the identification of herself and her minor child Everett Smith. The applicants claim descent from Rebecca, grandmother of principal applicant; and from John Parlow, father of principal applicant.

December 22, 1902, the Commission held that the applicants were not entitled to identification.

The Commission invites attention to the fact that the name Rebecca appears upon page 81 of Vol. 1 of the claimants' brief and evidence in the case of the Choctaw Nation ~~vs~~ the United States before the Court of Claims and states that the evidence does not show that the Rebecca mentioned therein is identical with the Rebecca through whom they claim.

The records of this office show that a person by the names of Rebecca applied to George W. Martin, special commissioner, for land under article 14 of the treaty of September 28, 1830, but they do not show that she received a patent to this land. This being true

-2-

and the applicants not being of the full blood the approval of the Commission's decision is recommended.

Very respectfully,

A. C. TONER

Acting Commissioner.

G.A.W. (B)

D.C. 4573

C O P Y.

EAF.

DEPARTMENT OF THE INTERIOR.

W A S H I N G T O N.

ITD. 1102-1903.

February 12, 1903

L R S

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

January 7, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Nettie Smith and her minor child, Everett Smith, including your decision of December 22, 1902, adverse to the applicants.

They claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Rebecca, who is alleged to have been a half blood Choctaw Indian and of John Partlow, who is said to have been a full blood Choctaw Indian.

You found that the name Rebecca appears upon page 81 of Volume 1 of the Claimants' Brief and Evidence in the case of The Choctaw Nation vs. the United States, Court of Claims No. 12742, but state that it is not shown by the evidence offered, that the Rebecca through whom applicants claim is the identical Rebecca whose name appears in said record. You further state that it does not appear from the testimony and evidence that the Rebecca through whom the applicants claim or said John Partlow, complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

-2-

Reporting January 27, 1903, the Acting Commissioner of Indian Affairs states that the records of the Indian Office show that a person by the name of Rebecca applied to George W. Martin, special commissioner, for land under said article 14, but do not show that she received a patent to this land. He recommends that your decision be approved. Copy of letter inclosed. Having carefully considered the record in this case, the Department affirms your decision therein.

Respectfully,

THOS. RYAN.

Acting Secretary.

1 inclosure.

M.C.R. 4762

Maskogee, Indian Territory, February 24, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 12th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Nettie Smith, et al., of which decision you were advised by mail on the 22nd day of December, 1902.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 24, 1903.

S. A. Beadle,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 12th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Nettie Smith, et al., of which decision you were advised by registered mail on the 22nd day of December, 1902.

Respectfully,

9. 25. 1903
Chairman.

M.C.R. 4732

Muskogee, Indian Territory, February 24, 1903.

Nettie Smith,

Greenwood, Mississippi.

Dear Madam:

You are hereby notified that on the 12th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Nettie Smith, et al., of which decision you were advised by registered mail on the 22nd day of December, 1902.

Respectfully,

Lucas Dickey
Chairman.

M.C.R. 4762

Muskogee, Indian Territory, February 24, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 12th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Nettie Smith, et al., of which decision you were advised by registered mail on the 22nd day of December, 1902.

Respectfully,

Chairman.

No. 4762

For Identification as a Mississippi Choctaw.

Meridian Miss.

FEB 13 1902

Date

Name Nettie Smith

Age 49

Blood $\frac{3}{4}$

Post Office, Greenwood, Miss.

Father: John Partlow (neg) &

Mother: Martha " $\frac{1}{2}$ &

Claims through both parents.

Claims for self as a
Child

Children:

Everett Smith 15

Father Alex McCain d
No Choctaw blood

Stenographer

J. S. Miles

Choctaw MCR 4763

Norman Flowers

MCR 4763

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Norman Flowers, et al., for identification as Mississippi Choctaws, E C R 4763.

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

| | |
|---|------------|
| Original application of Norman Flowers, et al., for identification as Mississippi Choctaws. | Page.
1 |
| Oral testimony of Ellen Green. | 5 |
| Oral testimony of Jerry Turner. | 6 |
| Final decision of the Commission in the case of Norman Flowers, et al., applicants for identification as Mississippi Choctaws, refusing said application. | 9 |

4763
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 13th, 1902.

In the matter of the application of Norman Flowers for the identification of himself and three minor children, Alex M., Lou A., and Robert Flowers, as Mississippi Choctaws.

Said Norman Flowers, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Norman Flowers.
Q How old are you? A Thirty-eight years old.
Q What's your postoffice address? A Winona, Mississippi.
Q Montgomery County? A Yes sir.
Q How long have you lived there? A All my life.
Q How much Choctaw blood have you? A One fourth.
Q You understand the nature of an oath, don't you? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Alex Flowers.
Q Is your mother living? A No sir.
Q What was her name? A Lettie Flowers.
Q Through which one of your parents did you get your Choctaw blood?
A From my mother.
Q How long has she been dead? A About eleven years.
Q How old was she when she died? A She was about forty-eight years old.
Q Where was she born? A In Choctaw County.
Q Mississippi? A Yes sir.
Q Was she a slave? A No sir.
Q Did she live in Mississippi all her life? A Yes sir.
Q Through which one of her parents did she get her Choctaw blood?
A She got it from her mother's side I reckon-I don't know, sir-I never did see any of my foreparents.
Q What was your mother's mother's name? A I don't know.
Q According to your statement now, your mother's mother was a full blood Choctaw Indian, is that right? A Yes sir.
Q You want to swear to that positively, do you? A Yes sir, according to her word.
Q When did she tell you her mother was a Choctaw Indian? A It was in my childhood days.
Q You are sure she told you her mother was a full blood? A Yes sir.
Q Do you know where her mother lived? A No sir, only in Choctaw. I never understood what Choctaw meant until since I've been grown. I was small when she told me that.
Q What do you understand in Choctaw meant? A It means a Choctaw this side of Montgomery County-east of where I am living. When I was small they would come across and they would always call the men who come across the river Choctaws -I lived on this side of the River and they lived on the other. I didn't understand it then but I do now.
Q Didn't you live on the wrong side of the River to be a Choctaw?
A No sir, I suppose not.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What's her name? A Annie Flowers.

- Q Has she any Choctaw blood? A No sir.
Q You don't make any claim for her, then? A No sir.
Q Have you been married more than once? A No sir.
Q How many children have you living? A Three.
Q What are their names and ages? A Alex M. Flowers.
Q How old is he? A Fifteen years old.
Q Next one? A Lou A.
Q How old is she? A Twelve years old.
Q Is that a boy or girl? A Girl.
Q Next one? A Robert.
Q How old is he? A Eight years old.
Q Is that all your children? A Yes sir.
Q Are these three children living with you now? A Yes sir.
Q Are they the children of yourself and Annie Flowers? A Yes sir.
Q This application, then, is for yourself and three minor children, is that correct? A Yes sir.
Q Were you married to Annie under a license? A Yes sir.
Q When? A In '82.
Q Where? A Montgomery County.
Q Mississippi? A Yes sir.
Q Who married you? A A man by the name of Reuben Crawford.
Q What position did he hold at that time? A Pastor of church.
Q Have you your marriage license and certificate with you at this time? A No sir.
Q Are you living with Annie now? A Yes sir.
Q Have been ever since you were married, have you? A Yes sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Annie for use in connection with the application you make for your three minor children. This should be furnished within a period of thirty days from this date.

- Q Is your name or the name of anyone of these children to be found on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
Q Has any application of any description ever been made for yourself or anyone of these children before today for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q This is the first application of any kind that has ever been made for you? A Yes sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir, I reckon.

This treaty was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and

Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits thereunder? A No sir, not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir, if they did I don't know anything about it.

Q Did any of them, in fact, live here at that time? A Yes sir, I suppose they did.

Q Well-who-what one of your Choctaw ancestors lived here 71 years ago? A I don't know, sir what one stayed here at that time. I don't know anything about the blood any further back than my mother.

Q You don't know that any of your Choctaw ancestors were living here 71 years ago, do you? A No sir, I don't.

Q Did any of your Choctaw ancestors move out to the new nation west of the Mississippi River between the years 1833 and 1838 when in the greater portion of the Choctaw Tribe moved out there? A No sir, not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A No sir, I don't know anything about that.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of them ever get any land here in Mississippi from the

Norman Flowers et al--4

Government under any other treaty provision? A No sir.

Q Did any of them ever get any money from the Government? A No sir.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land. The records of the government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Are you sure of that? A Yes sir.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir.

Q Do you know of any old person who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't.

- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any kind to offer at this time? A No sir.
- Q Have you any witnesses here today? A Yes sir.
- Q How many? A I've got two.
- Q What two? A Aunt Ellen Green and Jerry Turner.
- Q What do you expect to prove by them? A I expect to prove that my mother had Indian blood in her.
- Q Is that all? A Yes sir, that's all I can prove by them.

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make at this time? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Did your mother? A No sir.
- Q Have you any brothers or sisters living? A Yes sir.
- Q How many brothers? A Two.
- Q What are their names? A Clinton and Ben.
- Q Have they been before the Commission? A No sir.
- Q Where do they live? A One stays in the swamp-I don't know where the other stays. I haven't seen him for two years.
- Q Have you any sisters living? A Yes sir, I have one.
- Q What's her name? A Sallie Carpet.
- Q Has she been before the Commission? A No sir.
- Q Have you any brothers or sisters dead who left children? A No sir.
- Q Are any of your mother's brothers or sisters living? A No sir.
- Q Are any of the children of any of your mother's brothers or sisters living? A No sir-if there is I don't know anything about it.

This applicant has the appearance of being a full blood negro-he shows no indications of being possessed of Indian blood-does not speak or understand the Choctaw language.

Ellen Green, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Ellen Green.
- Q How old are you? A About 63 or 64 years old.
- Q What's your postoffice address? A Kilmichael, Mississippi.
- Q How long have you lived up there? A I lived about two and a half miles from there for about 25 years.

- Q Where did you live before that? A Right down below there all my life.
- Q What County? A Carroll County.
- Q You have appeared before the Commission this morning as an applicant for identification as a Mississippi Choctaw, have you not? A Yes sir.
- Q You now appear before the Commission as a witness in behalf of Norman Flowers who appeared as a witness in your case? A yes sir.
- Q How long have you known Norman? A Ever since I was small boy.
- Q Is he any kin to you? A No sir, only a neighbor-his mother was a door neighbor of mine.
- Q Are you interested in any way in the result of his application? A Not a bit.
- Q Has Norman any Choctaw blood? A She told me she was.
- Q Who are you talking about? A His mother.
- Q What was her name? A Lettie Flowers.
- Q What did she tell you about having Choctaw blood? A Me and her was talking about hearing of Indian Territory one day and I asked her how much Indian nation she had in her and I believe she told me she had half and I told her I had half. I asked her what tribe she belonged to and she said she belonged to the Choctaw Tribe. That's all she told me about it. She told me she was a Choctaw Indian-part Indian. I think she said half.
- Q You wouldn't swear that she told you what part? A No sir, only I know she told me Choctaw Indian-she looked to be like a whole Indian.
- Q How old would she be if she were living now? A About as old as I am-about 59 or 60.
- Q How old were you when you first saw her? A I was about fifty.
- Q You don't know where she was born, do you? A No sir.
- Q Now where she lived during the early part of her life? A Yes-I do-she lived there about three miles from me all during slavery times-I believe, when she was a child, right there at Mr. Flowers. We were children together.
- Q Do you know the name of her father or mother? A No sir.
- Q Do you know where they lived? A No sir.
- Q Don't know the name of any of her ancestors, do you? A No sir.
- Q You are sure that Lettie is the mother of this boy Norman? A yes sir, I knew him when he was a little shaver.
- Q Do you know whether any of the ancestors of Norman Flowers ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir, I don't know.
- Q Is that all you know about this case? A Yes sir, it is.
- Q You have nothing further to say, then? A No sir.

This witness is apparently possessed of a mixture of negro and either white or Indian blood-she is a woman of average intelligence.

(Witness excused)

Jerry Turner, being first duly sworn, testified as follows.

Examination by the Commission.

- Q What's your name? A Jerry Turner.

Norman Flowers et al--7

- Q How old are you? A About forty-seven I guess.
Q What's your postoffice address? A Winona, Mississippi.
Q How long have you lived up there? A Been living there all my life.
Q Are you a Choctaw Indian? A No sir.
Q You don't make any claim to be a Choctaw? A No sir.
Q Are you acquainted with Norman Flowers? A Yes sir.
Q How long have you known him? A I been knowing him I guess 15 or 16 years.
Q Are you any kin to him? A Not a bit.
Q Are you interested in any way in the result of his application?
A No sir.
Q Where has Norman lived ever since you have known him? A He's lived in Montgomery County probably seven or eight miles from Winona ever since I've known him.
Q Has he any Indian blood? A That I don't know, sir.
Q Were you acquainted with his parents? A I was acquainted with his mother.
Q How long has she been dead? A To my recollection may be ten or eleven years.
Q About how old a woman was she when she died? A I don't know, sir.
Q How long did you know her? A Quite a short while-probably two years.
Q Where? A In Montgomery County.
Q Was she a slave? A I don't know, sir.
Q Were you? A Yes sir, I was as a little boy.
Q Did Lottie have any Choctaw blood? A I don't know, sir.
Q Was that this boy's mother? A Yes sir, I think that was her name.
Q Do you know what his father's name was? A No sir.
Q What do you expect to testify about? A What I heard her say.
Q What did you hear her say? A I heard her say she had Indian blood in her.
Q Did she say what kind of Indian blood? A She didn't.
Q Did she tell you how much Indian blood she had? A No sir, she didn't.
Q Is that all you know about this case? A Yes sir, that's all.
Q You don't know where she was born? A No sir.
Q You don't know whether any of her ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
A No sir.

This witness is a negro of average intelligence.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 13th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles
Subscribed and sworn to before me this the 6th day of March, 1902, at

Norman Flowers et al---8

Philadelphia, Mississippi.

L. B. Mosely
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By

Mark

Deputy.

Copy
Cow.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Herman Flowers, et al.,
for identification as Mississippi Choctaws, M.C.R. 4763.

---D E C I S I O N---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Herman Flowers for himself and his three minor children, Alex H., Lou A. and Robert Flowers, under the following provision of the act of Congress approved June 28, 1896 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application and the records in the possession of the Commission, it does not appear that any of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or com-

mittee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

The record herein shows that the applicants are too young to have been living in eighteen hundred and thirty, and fails to show the name of a more remote Choctaw ancestor through whom they claim, than the mother of the principal applicant, who, according to the testimony, was fifty-nine years of age in 1902, and could not therefore have been living in eighteen hundred and thirty. The record shows that the principal applicant is ignorant of the names of any of his ancestors, other than his mother. Although he has had more than seven months in which to secure evidence tending to show who said ancestors were, he has not offered to submit such additional proof.

The evidence being insufficient to determine the identity of Newman Flowers, Alex M. Flowers, Lou A. Flowers and Robert Flowers as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamm Dixon

Acting Chairman.

J. H. [Signature]

Commissioner.

C. R. [Signature]

Commissioner.

Muskogee, Indian Territory,

DEC 6 1902

COPY.

Muskogee, Indian Territory, December 6, 1902.

Norman Flowers,

Winona, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Norman Flowers, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"The Evidence being insufficient to determine the identity of Norman Flowers, Alex M. Flowers, Lou A. Flowers and Robert Flowers as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Norman Flowers — 2

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Sam Bixby.

Acting Chairman.

Registered.

DEPT.

Washoe, Indian Territory, December 6, 1902.

Washoe, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Norman Flowers, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495).

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Norman Flowers, Alex H. Flowers, Lou A. Flowers and Robert Flowers as Choctaw Indians entitled to rights in the Choctaw lands under the provision of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W.C.D.

Acting Chairman.

Muskegee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Norman Flowers, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Acting Chairman.

Commissioner of Indian Affairs.

Enc. M.C.R. 4763.

M C R 4763

Muskegee, Indian Territory, January 12, 1903.

Norman Flowers,
Winona, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, relative to the decision of the Commission in your case.

In reply you are advised that the fifteen days from December 6, 1902, heretofore granted you within which to file arguments in support of your claim, expired on December 21, 1902. On December 22, 1902, the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Acting Chairman.

MCR 4763

Muskogee, Indian Territory, February 14, 1903.

Norman Flowers,

Winona, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant in which you state that you wrote the Commission regarding the fifteen days allowed you within which to file arguments in support of your claim and that you haven't received an answer to your letter.

In reply to your letter you are informed that on January 12, 1903, the Commission addressed you a communication advising you that the fifteen days from December 6, 1902, heretofore granted you within which to file arguments in support of your claim, expired on December 21, 1902, and that on December 22, 1902, the record in your case, together with the decision of the Commission refusing your application, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Acting Chairman.

M C R 4763

Muskogee, Indian Territory, February 16, 1903.

Norman Flowers,

Winona, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, relative to the decision of the Commission refusing your application for identification as a Mississippi Choctaw.

In reply you are informed that on February 14th the Commission addressed you a communication fully advising you in regard to your case.

Respectfully,

Acting Chairman.

Land.
76180-1902.

C O P Y.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, March 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Norman Flowers, for himself and his three children, Alex M., Lou A., and Robert Flowers, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application, on their descent from the principal applicant's mother, Lettie Flowers, who it is alleged was a Choctaw Indian, but who it is not claimed was a resident in the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830. The applicants do not know the name of their ancestor who lived in the Choctaw Nation in 1830, nor if any ancestor complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The Commission rejected the applicants December 6, 1902, because they had never been enrolled as citizens of the Choctaw Nation, and for the reason that the party through whom they claim was not living in 1830. As the evidence herein states that the principal applicant's mother, Lettie Flowers, through whom they applicants claim rights was 59 years of age in 1902, she could not have been living at the time of the treaty of "Dancing Rabbit Creek", and as they do not give the name of an ancestor more remote than this Lettie Flowers, it is impossible to examine the records as to whether they had such an ancestor in Mississippi in 1830.

It is, therefore, the opinion of this office that the decision of the Commission rejecting the applicants is correct, and it is recommended that their decision be approved.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

C.T.C.(E)

D.C.8998-1903.
I.T.D.2582-1903.
L.R.8.

C O P Y.
E.A.F.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

March 27, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Norman Flowers and his minor children, Alex M., Lou A. and Robert Flowers, including your decision of December 6, 1902, adverse to the applicants.

They claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Lettie Flowers, the principal applicants mother, who, it appears, could not have been in existence in 1830. The principal applicant was unable to give the name of a more remote ancestor of Choctaw blood, than his mother.

Reporting March 2, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

THOS. RYAN,
Acting Secretary.

1 inclosure.

M.C.R. 4763.

OPY.

Muskogee, Indian Territory, April 6, 1903.

Norman Flowers,
Winona, Mississippi.

Dear Sir:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Norman Flowers, et al., of which decision you were advised by registered mail on the 6th day of December 1902.

Respectfully,

Commissioner in Charge.

M.C.R. 4763.

COPY.

Muskegee, Indian Territory, April 3, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Cheetaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Cheetaws, of the several persons included in the case of Norman Flowers, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

C. R. Sweeney
Commissioner in Charge.

No.

2783

For Identification as a Mississippi Choctaw.

Meridian Miss.

FEB 13 1902

Date

Name

Norman Flowers

Age

38

Blood

1/4

Post Office,

Winona, Miss

Father:

Alex. Flowers d

Mother:

Lettie Flowers d

Claims through mother

wife

Annie Flowers L

No claim for wife.

(Claims for relief of 3 children

Children:

Alex. M. Flowers 15

Lou. A. " (F) 12

Robert " 8

S. S. S.

Choctaw MCR 4764

Leander Coleman

MCR 4764

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Leander Coleman,
et al., for identification as Mississippi Choctaws. H.C.R. 4764.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above entitled case.

Original application of Leander Coleman,
et al., to the Dawes Commission for identification as Mississippi Choctaws.....1

Copy of marriage license and certificate
of Leander Coleman.....7

Decision of the Commission denying the
application of Leander Coleman, et al.,
for identification as Mississippi Choctaws...8

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4764

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 13th, 1902.

In the matter of the application of Leander Coleman for the identification of himself and seven minor children, Moddie C., Samella, Carcellena, Ulysses L., Artie O., Irma L., and Latee Coleman, as Mississippi Choctaws.

Said Leander Coleman, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Leander Coleman.
Q How old are you? A Forty-three.
Q How much Choctaw blood have you? A One quarter.
Q What's your postoffice address? A Meridian, Mississippi.
Q Street number? A Thirty-second Avenue #1212.
Q How long have you lived in Lauderdale County? A I've been here about thirty years.
Q Where did you live before that? A I was born in Montgomery, Alabama.
Q How long did you live in Alabama? A About nine years.
Q Then you came to this State? A I went to Mobile and stayed there about two years and then come up here.
Q Is your father living? A He was when I seen him last.
Q What's his name? A John Coleman.
Q Is your mother living? A No sir.
Q What was her name? A Harriet.
Q Through which one of your parents did you get your Choctaw blood? A Through my mother.
Q How long has your mother been dead? A Ever since I was two weeks old.
Q How old was she when she died? A I don't know, sir.
Q Where was she born? A Born in Choctaw, Alabama.
Q Choctaw County, Alabama? A Yes sir.
Q Do you know where she lived all the time until her death? A No sir, I don't know where she lived-I understood she went from Choctaw to Montgomery.
Q How much Choctaw blood did she have? A She had about half.
Q Was she a slave? A Not as I knows of.
Q Through which one of her parents did she get her Choctaw blood? A Through her father.
Q What was his name? A Tom McGrue.
Q How much Choctaw blood did he have? A He was an Indian-full-blood.
Q Did you ever see him? A Yes sir-I never seen her-he is the only one I ever seen.
Q When did you see him? A I seen him when I come to Meridian.
Q Where did he live then? A In the upper part of this County.
Q How old would he be if he were living now? A I don't know, sir-he's been dead a long time-he was over a hundred years old when he died.
Q You are sure he was a full blood Choctaw Indian? A Yes sir, I seen him.
Q How do you know this man was your mother's father? A He said so-that's all the way I know. I seen him when I come to Meridian through my aunt-she had me brought from Mobile to Meridian-that's what my grandmother says. I never seen my grandmother in my life.

- Q Was Tom Married to your grandmother? A I don't know, sir.
- Q Do you know what her name was? A They called her Rhoda McGrue.
- Q Where was Tom McGrue born? A I don't know, sir.
- Q Was she a slave? A I don't know, sir.
- Q Did he live here in Lauderdale until he died? A Yes sir.
- Q Do you know the name of either one of his parents? A No sir, never seen them in my life.
- Q How did you come to find him here in Meridian? A My mother died in Montgomery and my aunt brought me from Montgomery to Mobile-she was my grandmother's sister- one I think died in Mobile and my other aunt brought me to Meridian. When I got up here I found my grandfather.
- Q This man Tom McGrue? A yes sir.
- Q Had this aunt of yours ever seen him before? A Yes sir.
- Q Are you married? A yes sir.
- Q Is your wife living? A yes sir.
- Q What's her name? A Alena Coleman.
- Q Has she any Choctaw blood? A no sir.
- Q You make no claim for her, then? A No sir.
- Q Have you been married more than once? A No sir.
- Q How many children have you living? A Nine living.
- Q Are any of them married or of age? A One married and one aint married and the others are under age.
- Q Then you have seven minor children for whom you want to apply? A yes sir.
- Q What are the names of these seven children? A Moddie C.
- Q How old? A Nineteen.
- Q Next one? A Samella.
- Q How old? A Sixteen.
- Q Is that a girl? A Yes sir.
- Q Next one? A Garcellena.
- Q How old? A Fourteen.
- Q Boy or girl? A Girl.
- Q Next one? A Ulysses L.
- Q Is that a boy? A yes sir.
- Q How old? A Ten years old.
- Q Next one? A Artie O.
- Q Boy or girl? A Girl.
- Q How old? A Seven years old.
- Q Next one? A Irma L.
- Q How old? A Four years old.
- Q Is that a girl? A yes sir.
- Q Next one? A Lates.
- Q How old? A One year old.
- Q Is that a girl? A no sir, a boy.
- Q Are these children all living with at this time? A yes sir.
- Q Are they all the children of yourself and Alena Coleman? A yes sir.
- Q This application, then is for yourself and seven minor children, is that right? A yes sir.
- Q Were you married to Alena under a license? A yes sir.
- Q Where? A In the upper part of this County.
- Q When? A About twenty-two or twenty-three years ago.
- Q Have you that license with you at this time? A No sir, they didn't give any at that time-the man that married you taken license at that time.
- Q Who married you? A Mr. Walt Moore-he was a justice of the peace in that county.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Alena for consideration in connection with the application you make in behalf of your seven minor children. This should be furnished within thirty days from this date.

Q Is your name or the name of anyone of these children to be found on any of the Choctaw Tribal rolls in Indian Territory? A Not as I know of.

Q Has any application of any description ever been made for you or any of these children before today for the purpose of establishing your rights as Choctaw Indians? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and seven minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

This treaty was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might and become a citizen of the States and not move out to the new nation might receive land here in Mississippi from the Government. It is as follows:-

"Each choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw

citizen but if they ever remove are not to be entitled to any portion of the choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you understand that article? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A No sir, not as I know of-my grandfather didn't have anything.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A No sir.

Q Did any of them, in fact, live here at that time-71 years ago? A Not as I know of-grandpa was living at that time cause he was over 100 years old when he died.

Q Where was he living 71 years ago? A I suppose he was in Choctaw County, Alabama, as far as I know.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of them ever get any land under any other article of that treaty or under the supplement? A No sir.

Q Did any of them ever get any money from the Government? A No sir.

Q As far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissions to come down here to Mississippi and hear the cases of Choctaws.

taws who claimed that they were entitled to land under the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and he should receive a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence to offer at this time? A No sir.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q How many children have you of age? A Two.

Q What are their names? A Genetta Coleman.

Q Is she married? A No sir.

Q Next one? A Girlie.

Q What's her married name? A Girlie Marshall, she lives at Natchez.

Q Have you any brothers living? A Not as I know of-I heard I had two but I never seen them.

Q Have you any sisters? A I had one sister -so said, but I never seen her.

Leander Coleman et al--6

Q Are any of your mother's brothers or sisters or any of their children living? A I don't know, sir-never seen them. I seen my grandmother's sister, but she's dead now.

Q I believe you said you didn't know whether your grandfather and your mother's mother were married? A No sir, I don't know that.

Q How many children did she have by him? A I never heard of but one-just my mother.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood-he does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 13th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles
Subscribed and sworn to before me this the 6th day of March, 1902, at Philadelphia, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *Maria*

Deputy.

Claw
C. S. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Leander Coleman,
et al., for identification as Mississippi Choctaws. M.C.R. 4784.

--- DE CISION ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Leander Coleman for himself and his seven minor children, Mollie E., Samella, Sarah Emma, Wynnes E., Artie O., Irma E. and Latoe Coleman, under the following provision of the Act of Congress approved June 23, 1898, (30 Stat., 406):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end and consider other, various witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty be-

(2).

tween the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Tom McGrue, who is alleged to have been a fullblood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Tom McGrue, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 100) and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that

(3).

the evidence herein is insufficient to determine the identity of Leander Coleman, Meddie C. Coleman, Samella Coleman, Garcellena Coleman, Ulysses L. Coleman, Artie O. Coleman, Irma L. Coleman and Latee Coleman as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Commissioner.



Commissioner.

Muskegee, Indian Territory,

AUG 11 1902

COPY.

M C R 4764

Muskogee, Indian Territory, August 11, 1902.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South, McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 11th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Leander Coleman, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Leander Coleman, Moddie C. Coleman, Samella Coleman, Garcellena Coleman, Ulysses L. Coleman, Artie C. Coleman, Irma L. Coleman and Latee Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused," and it is so ordered."

X McM & C.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tamc Dixby.

Acting Chairman.

COPY

M C R 4764

Muskogee, Indian Territory, August 11, 1902.

Leander Coleman,

Meridian, Mississippi.

Dear Sir:

You are hereby advised that on the 11th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Leander Coleman, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witness and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Leander Coleman, Moddie C. Coleman, Samella Coleman, Garcellena Coleman, Wlysses L. Coleman, Artie O. Coleman, Irma L. Coleman and Lattie Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

L C-2.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tamc Parby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, August 11, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Leander Coleman, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 11, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw nations have been duly advised by letter of the action of the Commission, copies of said letter being attached to the record.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.
1 enclosure.

C O P Y.

Land

DEPARTMENT OF THE INTERIOR.

48779-1902.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. Oct. 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made August 11, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Leander Coleman for the identification of himself and his seven minor children, Meddie C., Samella, Garballena, Ulysses L., Artie O., Irma L. and Latée, as Mississippi Choctaws claiming rights under article fourteen of the treaty of 1830.

August 11, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed from Tom McGrue, grandfather of Leander Coleman.

The applicants are not full-blood Choctaws, and an examination of the records of this office fails to show that Tom McGrue received a patent to land under the provisions of said article fourteen, or complied or attempted to comply with the provisions of said article; neither does it appear that he applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of any rights he may have had as a Choctaw Indian.

---2---

It is therefore respectfully recommended that the decision of the Commission, rejecting the application, be affirmed.

Very respectfully,

Your obedient servant,

A.C. Tomer,

Acting Commissioner.

GAW
D

3 inclosures.

D.C. 20762

COPY

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DEPARTMENT OF THE INTERIOR.
WASHINGTON.

ITD 6564-1902.

October 30, 1902.

LRS.

Commission to the Five Civilized Tribes,
Muskegee, I.T.

Gentlemen:

August 11, 1902, you transmitted the record in the matter of the application for identification as Mississippi Cheetaws, of Leander Coleman and his minor children, Moddie C., Samella, Garcellena, Ulysses L., Artie O., Irma L. and Latee Coleman.

The applicants endeavor to trace their descent from one Tom McGrue, alleged to have been a full blood Cheetaw Indian.

The record fails to shew that any one of the applicants was ever admitted or enrolled as a citizen of the Cheetaw Nation, or that said Tom McGrue or a less remote ancestor of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application August 11, 1902.

The Acting Commissioner of Indian Affairs forwarded the papers October 23, 1902 and recommended that your decision be approved. A copy of his letter is inclosed.

---2---

The Department has carefully considered the record and hereby affirms your decision.

Respectfully,

(Signed)

H.A. Hitchcock.

Secretary.

1 inclosure.

HMD.

M.C.R. 4784

Muskogee, Indian Territory, November 8, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Leander Coleman, et al., of which decision you were advised by mail on the 11th day of August, 1902.

Respectfully,

Acting Chairman.

M.C.R. 4764

(Copy)

Muskogee, Indian Territory, November 8, 1902.

Leander Coleman,

Meridian, Mississippi.

Dear Sir:

You are hereby advised that on the 30th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Leander Coleman, et al., of which decision you were advised by registered mail on the 11th day of August, 1902.

Respectfully,

Acting Chairman.

783

No. 5754

For Identification as a Mississippi Choctaw.

Meridian Miss.

FEB 13 1902

Date

Name *Lander Coleman*

Age 4 3

Blood $\frac{1}{4}$
32nd Ave. #1212

Post Office, Meridian, Miss

Father: *John Coleman* L

Mother: *Harriet* d

Claims through mother

wife *Alena Coleman* L
(no claim for her.)

Claims for self and 1 child

Children:

| | | |
|--------------------------|-----|----|
| <i>Maddie C. Coleman</i> | (M) | 19 |
| <i>Samella</i> | (F) | 16 |
| <i>Garcellena</i> | (F) | 14 |
| <i>Ulysses L.</i> | (M) | 10 |
| <i>Artie O.</i> | (F) | 7 |
| <i>Orma L.</i> | (F) | 4 |
| <i>Latee</i> | (M) | 1 |

mother's father *Tom McNeal*

Choctaw MCR 4765

Sophronia Holmes

See MCR 4777

MCR 4765

4765

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 13th, 1902.

In the matter of the application of Sophronia Holmes for the identification of herself and six minor children, Lillie, Maria, Julia, Richard, Robert and Sammy, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicant,
A.W. Jones, Agent for applicant.

Said Sophronia Holmes, being first duly sworn, testified as follows:-

Examination by the Commission.

Q What's your name? A Sophronia Holmes.
Q How old are you? A Thirty years old.
Q How much Choctaw blood have you? A Quarter.
Q What's your postoffice address? A Minerva, Mississippi.
Q What County? A Montgomery.
Q How long have you lived there in Montgomery County? A I been living there all my life.
Q Is your father living? A Yes sir.
Q What's his name? A Gus Peeples.
Q Is your mother living? A Yes sir.
Q What's her name? A Maria Scott.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q Has she been before the Commission? A I don't know whether she has or not.
Q How old is Maria? A I don't know-she says she's about sixty-five.
Q How much Choctaw blood has she? A Half.
Q Was she a slave? A No sir.
Q Where was she born? A I don't know.
Q Did she live in this State all her life? A She told me she come from Holmes County but she's been in Montgomery County ever since I've been big enough to know anything.
Q From Holmes County in this State? A Yes sir.
Q She has lived in this State all her life, has she? A Yes sir.
Q Through which parent did she get her Choctaw blood? A Her mother.
Q What was her mother's name? A Eady Peeples.
Q What was Eady's maiden name, do you know? A No sir, I don't know.
Q Did you ever see her? A No sir.
Q How long has she been dead? A I don't know-she died before I was born, I reckon.
Q How old would she be if she were living now? A I don't know, sir.
Q Do you know where she lived during her life time? A No sir.
Q You know nothing about her? A No sir.
Q Your mother has told you that she was a full blood Choctaw? A Yes sir.
Q Your mother's father, what was his name? A Austin Peeples.
Q He had no Choctaw blood? A Not as I know of.
Q He was a slave, wasn't he? A Yes sir.
Q Did you ever hear of any of your Choctaw ancestors living any place else besides here in Mississippi? A No sir.

- Q Are you married? A Yes sir.
Q Have you been married more than once? A No sir.
Q Is your husband living? A Yes sir.
Q What's his name? A Robert Holmes.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him then? A No sir.
Q How many children have you living for whom you want to make application? A Six.
Q What are their names and ages? A Lillie, she's twelve.
Q Next one? A Maria, she's ten.
Q Next one? A Julia, she's eight.
Q Next one? A Richard, five.
Q Next one? A Robert, three.
Q Next one? A Sammy, two months old.
Q The first three are girls? A Yes sir.
Q And the next three are boys? A Yes sir.
Q Are these six children all living with you now? A Yes sir.
Q Are they all the children of yourself and Robert Holmes? A Yes sir.
Q This application is for yourself and six minor children? A Yes sir.
Q Is your name or the name of any one of these children on any of the Choctaw Tribal rolls in Indian Territory? A Not as I know of.
Q Has any application of any description ever been made before today for yourself or any of these children for the purpose of establishing your rights as Choctaw Indians? A Not as I know of.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and six minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out west with the main portion of the Tribe, might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and

he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall ~~at~~ issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand that? A I don't hardly understand the Dancing Rabbit Creek.

An article of a treaty is just a part or subdivision of a treaty. I will try to explain the 14th article so you will understand it. If a Choctaw who lived here 71 years ago when this treaty was made, wanted to stay here and become a citizen of the States and take land here in Mississippi under that 14th article, he was required by the terms of that article to let the Agent of the Government here in Mississippi, for the Choctaws, know that he wanted to stay here and become a citizen of the States and take land and he must let that Agent know within six months from the time that treaty was ratified--the treaty was ratified on the 24th day of February, 1831. If he let the Agent know that he wanted to stay here, he was entitled to a reservation of one section of 640 acres of land for himself and for each child in his family over ten years of age on the 27th day of September, 1830, the day the treaty was made, he was entitled to one half that quantity, and for each child in his family under ten years of age he was entitled to a quarter section. Now, the reservations for the children were required by the 14th article to adjoin the location of the parent and they must include their improvements as they existed on the 27th day of September 1830, when the treaty was made. If they Indians lived on this land for five years from February 24, 1831, the time the treaty was ratified, they were entitled to a grant in fee simple for the land, that is the Government would give the Indian the land and give him a deed to it. The 14th article says, further, that persons who claimed under that article and stayed here in Mississippi in place of moving out to the new nation, should not by reason of their having made claim under that article, lose their privilege of a Choctaw citizen, but if they ever removed they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due to the Choctaws

each year from the Government of the United States under treaty provisions.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.

Q Did any of them live here at that time-your Choctaw ancestors-71 years ago? A Not as I know of.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.

Q Did any of them ever get any land under any other provision of this treaty? A Not as I know of.

Q Did any of them ever get any money from the Government? A Not as I know of.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians, did they? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land under that 14th article. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not as I know of--they didn't.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence to offer at this time in support of your application--any papers? A No sir.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q Have you any brothers or sisters living? A Yes sir.

Q How many? A I've got two sisters living and two brothers.

Q What are the names of your brothers? A Yancey Harrison and Eddie Silas.

Q Have they been before the Commission? A No sir.

Q What are the names of your sisters? A Nady Peeples and Ellen Poe.

Q Have they been before the Commission? A No sir.

Q Have you any brothers or sisters dead who left children? A No sir--I got one sister dead but she didn't leave any children.

Q Has your mother any brothers or sisters living? A She got one sister living.

Q What's her name? A Lisa Pittman.

Q She has been before the Commission, has she not? A Yes sir.

Q Is that all your mother's sisters that are living? A She's got

Sophonra Holmes et al--6

another one somewhere but I never seen her. She's got another sister named Mahala Peeples-that's all I knew.

Q Has your mother any brothers or sisters dead who left children?

A Yes sir, she's got two brothers dead left children.

Q What are their names? A Ab and Arnold Peeples.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a full blood negro-shows no indications of being possessed of Choctaw blood-does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 13th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles
Subscribed and sworn to before me this the 7th day of March, 1902,
at Philadelphia, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

Muskogee, Indian Territory October 14, 1902.

Sophronia Holmes,

Minerva, Mississippi.

Dear Madam:

You are hereby advised that on the 14th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maria Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|--------------|
| Maria Scott, et al., | M.C.R. 4777 |
| Sophronia Holmes, et al., | M.C.R. 4765 |
| Ann Peoples, et al., | M.C.R. 4696 |
| Mahala Poe, et al., | M.C.R. 4627 |
| Rebecca Hoskins, et al., | M.C.R. 4365 |
| Eliza Pittman, et al., | M.C.R. 4625. |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maria Scott, Yancey Harrison, Sophronia Holmes, Lillie Holmes,

S. H. -2

Maria Holmes, Julia Holmes, Richard Holmes, Robert Holmes, Sammy Holmes, Ann Peeples, George Peeples, Lera Peeples, Carney Peeples, Noah Peeples, Emma Peeples, Frank Peeples, Dewey Peeples, Govie Peeples, Mahala Poe, General Poe, Freddie Poe, Rebecca Hoskins, Alonzo Hoskins, Eliza Pittman, Nancy Pittman, Alice Pittman, Helon Pittman, and Jefferson Lott, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

I. D. Jackson
Commissioner in Charge

Registered.

COPY.

M.C.R. 4765.

Muskogee, Indian Territory, December 5, 1902.

Sophronia Holmes,

Minerva, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Maria Scott, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

Acting Chairman.

#1784

No. 4765

For Identification as a Mississippi Choctaw
Meridian Miss.

Date FEB 13 1902

Name Sophronia Holmes

Age 30 Blood 1/4

Post Office, Minerva, Miss

Father: Gus Peoples S

Mother: Maria Scott S

Claims through mother.
husbandRobert Holmes;
No claim for husband

Claims for self and 6 children

Children:

| | | |
|---------|--------|------|
| Lillie | Holmes | 12 |
| Maria | " | 10 |
| Julia | " | 8 |
| Richard | " | 5 |
| Robert | " | 3 |
| Sammy | " | 2 mo |

mother's mother Gady Peoples S

Stenographer I. S. Niles

POOR ORIGINAL -
BEST AVAILABLE COPY

Choctaw MCR 4766

George Reynolds

See MCR 4228

MCR 4766

4766

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 13th, 1902.

In the matter of the application of George Reynolds for the identification of himself alone as a Mississippi Choctaw.

Said George Reynolds, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A George Reynolds.
Q How old are you? A Twenty-three.
Q How much Choctaw blood have you? A One-sixteenth.
Q What's your postoffice address? A Lynnville, Tennessee-I am traveling but that's my home.
Q How long have you lived there? A I was born and raised right in the County there-Jiles County.
Q Is your father living? A No sir.
Q What was his name? A Thos. J. Reynolds.
Q Is your mother living? A No sir.
Q What was her name? A Olevia Reynolds-she was a Higdon.
Q Through which one of your parents did you get our Choctaw blood?
A My mother.
Q How long has she been dead? A Three years.
Q How old was she when she died? A She was sixty-two-about that.
Q Where was she born? A I couldn't tell you-she was born in Tennessee.
Q Did she live in that State all her life? A Yes sir.
Q Through which one of her parents did she get her Choctaw blood?
A Her father-Larkin L. Higdon.
Q How much Choctaw blood did he have? A His mother was half.
Q What was his mother's name? A Ann Bryant.
Q Was she a half blood Choctaw? A Yes sir.
Q Is Larkin dead? A Yes sir.
Q Where did he live during his life time? A In Tennessee.
Q Was he born there? A I don't know, sir.
Q Do you know where he was born? A No sir.
Q Do you know where he was living 71 years ago? A In Tennessee.
Q What place? A He was at Lawrenceburg but I don't know whether it was 71 years ago or not.
Q Did he ever live in Mississippi? A Not that I know of.
Q Do you know where Ann Bryant was born? A No sir.
Q You don't know anything about her residence, then? A No sir.
Q Did you ever hear that she lived in Mississippi? A No sir, she married John Higdon.
Q Have any of your mother's brothers or sisters heretofore made application to the Commission? A Yes sir.
Q What's the name of one of your mother's brothers who has appeared before the Commission? A J. M. Higdon.
Q Are you married? A No sir.
Q This application, then, is for yourself only, is it? A Yes sir.
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir, not that I know of.
Q Has any application of any description ever been made for you before today for the purpose of establishing your rights as a Choctaw Indian? A No sir.

George Reynolds--2

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here from the Government. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you understand that 14th article? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A No sir.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made-71 years ago? A I don't know, sir.

Q Did any of them live here at that time? A I don't know, sir.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater

George Reynolds--3

portion of the Choctaw Tribe of Indians between the years 1834 and 1838? A I don't know, sir.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know, sir.

Q Did any of them ever get any land here in Mississippi from the Government under any other article of that treaty or under the supplement to it? A No sir.

Q Did any of them ever get any money from the Government? A Not that I know of.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1841 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana

George Reynolds--4

or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A No sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any kind ~~xxxxxx~~ which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence to offer at this time? A No sir.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission at Muskogee, Indian Territory and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q Have you any brothers or sisters living? A Yes sir, three brothers.

Q What are their names? A Ben Reynolds, Buckner Reynolds and Will Reynolds; they were here in January, two of them.

Q Which ones? A Buckner and Will.

Q Has Ben made application? A Yes sir.

Q When? A I don't know, sir-I got a letter from him stating he had.

Q Where does he live? A Nashville, Tennessee. I think he went to the Territory.

Q Have you any brothers or sisters dead? A Two brothers and one sister dead.

Q Did any of them live to be grown? A One.

Q Did that one leave children? A No sir.

Q Are any of your mother's brothers or sisters or any of their children living? A Yes sir.

Q How many of her brothers are living? A Three.

Q What are their names? A J. Mack Higdon, John Higdon and Dave Higdon.

Q Where do they live? A John H. lives in Lawrence County, Tennessee; J. M. and Dave Higdon live in Texas.

Q Are any of your mother's sisters living? A Yes sir, she has two living.

Q What are their names? A Martha Cole-she lives in Texas, and Nancy Fry-she lives in Tennessee.

Q Has your mother any brothers or sisters dead? A No sir, not that I know of.

This applicant has the appearance of being a white man-he

George Reynolds--5

has a light complexion, brown eyes and dark hair-shows no indications of being possessed of Indian blood and does not speak or understand the Choctaw language.

I, S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 13th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

S. Niles

Subscribed and sworn to before me this the 7th day of March, 1902, at Philadelphia, Mississippi.

L. B. Mosely
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By

[Signature]

Deputy.

COPY.

M.C.R. 4766

Muskegee, Indian Territory, July 14, 1902.

George Reynolds,

Lynnville, Tennessee.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy A. C. Fry, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|-------------|
| Nancy A. C. Fry, et al., | M.C.R. 4228 |
| Henry C. Fry, et al., | " 4244 |
| David Louis Fry, et al., | " 4381 |
| Alice E. Tidwell, et al., | " 4227 |
| William W. Fry, | " 4243 |
| James F. Fry, | " 4245 |
| Martha H. Cole, et al., | " 4128 |
| Beulah L. Francis, et al., | " 4129 |
| John Brantley Cole, | " 4040 |
| Dave Higdon, et al., | " 4039 |
| James Mack Higdon, et al., | " 3845 |
| Ben Reynolds, | " 4246 |
| James Buckner Reynolds, et al., | " 4564 |
| William D. Reynolds, et al., | " 4563 |
| George Reynolds, | " 4766 |
| Alice H. Wagstaff, et al., | " 4230 |
| Allie Mai Wagstaff, et al., | " 4231 |
| William A. Higdon, et al., | " 4672 |
| Kate H. Shields, et al., | " 4229 |
| Elizabeth H. McKennon, et al., | " 4224 |
| Helen B. Higdon, | " 4242 |
| Bama B. Helts, et al., | " 4226 |

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 496) which is as fol-

lows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy A. C. Fry, Nellie E. Fry, Henry C. Fry, Bessie Fry, Minnie Edna Fry, Robert Mitchell Fry, David Louis Fry, Roberta Fisher Fry, Alice E. Tidwell, Tyree A. Tidwell, Elsie C. Tidwell, Rubie A. Tidwell, James W. Tidwell, Lucy Tidwell, William W. Fry, James P. Fry, Martha M. Cole, Henry Walter Cole, Edwin E. Cole, Boulah L. Francis, Myrtle E. Francis, Forest F. Francis, Bertha M. Francis, James Roy Francis, Thomas R. Francis, Henry W. Francis, John Brantley Cole, Dave Higdon, Ada May Higdon, John Maxey Higdon, Julius D. Higdon, James Mack Higdon, Ruby Cecil Higdon, Elizabeth Pearl Higdon, Florence May Higdon, Effie Lee Higdon, John Wayne Higdon, Lena Higdon, B. Ben Reynolds, James Buckner Reynolds, Gill Reynolds, Albert Reynolds, Nellie Reynolds, Hubbard Reynolds, Johnnie Reynolds, Thomas Reynolds, Clarence Reynolds, William D. Reynolds, Lillie May Reynolds, George Reynolds, Alice H. Wagstaff, Clyde H. Wagstaff, Annie C. Wagstaff, Allie Mai Wagstaff, Ella Lee Wagstaff, William A. Higdon, Helen B. Higdon, John W. Higdon, Kate H. Shields, Elsie Shields, Ada Shields, Albert Shields, Ruth Shields, Robert Shields, James Shields, Elizabeth M. McKennon, Katharine E. McKennon, Emma D. McKennon, Helen D. Higdon, Emma T. Holtz and Morgan H. Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action.

G R -----2

tion as may be taken by him.

Yours truly,

(S)

and Dixie

Registered.

Acting Chairman.

COPY.

M. C. R. 4766.

Muskogee, Indian Territory, October 16, 1902.

George Reynolds,

Lynnville, Tennessee.

Dear Sir:

You are hereby advised that on the 4th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy A. C. Fry, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,

(S)

Samuel D. May
Acting Chairman.

1785

No.

4736

For Identification as a Mississippi Choctaw

Meridian Miss.

FEB 13 1902

Date

Name

George Reynolds

Age

23

Blood

1/16

Post Office,

Lynnville, Tenn.

Father:

Thomas J. Reynolds d.

Mother:

Olevia " d.

Claims through mother

Claims for self only.

Children:

brothers father Larkin Hydon.
mother of Larkin Ann Bryant
Stenographer J. S. Hiles.

Choctaw MCR 4767

Shandy W. Samuels

See MCR 2314

MCR 4767

47-1

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 13th, 1902.

In the matter of the application of Shandy W. Samuels for the identification of himself and one minor child, Georgia Samuels, as Mississippi Choctaws.

APPEARANCES; S.A. Beadle, attorney for applicant.

Said Shandy W. Samuels, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Shandy W. Samuels.
Q How old are you? A Twenty-six.
Q How much Choctaw blood have you? A I don't know-I suppose between a fourth or a little over.
Q What's your postoffice address? A Pass Christian, Mississippi.
Q What County? A Harrison County.
Q How long have you lived in Harrison County, Mississippi? A About fifteen years.
Q Where did you live before that? A In Mobile and New Orleans.
Q Where were you born? A In Mobile.
Q Lived there until you went to New Orleans? A Lived in Mobile until I was five or six years old and then moved to New Orleans and from there to Pass Christian.
Q Is your father living? A Yes sir.
Q What's his name? A James Samuels.
Q Is your mother living? A Yes sir.
Q What's her name? A Georgia Samuels.
Q Through which one of your parents do you get your Choctaw blood? A Through my mother.
Q Has she been before the Commission? A Yes sir, through the Commission last May.
Q How much Choctaw blood has your mother? A About three fourths.
Q If your father has no Choctaw blood and your mother is three fourths, you would have three eighths, wouldn't you? A Yes.
Q How old is your mother? A She's about fifty-nine, I suppose-I don't know exactly.
Q Where was she born? A In Tuscaloosa, Alabama.
Q Now, her mother was a full blood Choctaw woman? A Yes sir.
Q What was your mother's father? A My mother's father was very near three fourths Indian-Choctaw Indian.
Q Did you ever see your mother's father or mother? A Yes sir, I saw my mother's father lots of times-I saw her mother too but I was too young to remember her.
Q What was your mother's father's name? A Shandy W. Jones.
Q What was your mother's mother's name? A I don't remember her name.
Q How old would your mother's parents be if they were living now? A If my mother's father was living now he would be about ninety-six or ninety-seven years old.
Q How old would her mother be? A I don't know. I knowed but very little of her mother.
Q Where did these people live during their life time? A Her father died in Mobile and her mother died in Tuscaloosa.
Q They never lived in Mississippi? A No sir.

Shandy W. Samuels et al---2

Q Do you know the names of any of Shandy W. Jones ancestors? A No sir.

Q Do you know the name of any of your mother's ancestors except her father? A No sir.

Q Are you married? A Yes sir.

Q What's your wife's name? A Corinne Samuels.

Q Has she any Choctaw blood? A No sir.

Q You make no claim for her, then? A No sir.

Q Have you any children living? A Yes sir, one.

Q What's the name and age of that child? A Georgia-she's nineteen months old.

Q Are you and your wife living together now? A Yes sir.

Q Were you married to her under a license? A License.

Q Who married you? A Married at church-a preacher.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to Corinne for use in connection with the application you make in behalf of your minor child. This should be furnished within thirty days from this date.

Q You never have been married more than once, have you? A No sir.

Q This application is for yourself and one minor child? A Yes sir.

Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.

Q Has any application of any description ever been made before today for the purpose of establishing your rights as a Choctaw Indian? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits under it? A No sir, not to my knowing.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir, not to my knowing.

Q Did any of them live here at that time-71 years ago? A The family records shows that at that time my grandfather became dissatisfied with the existence of affairs between the whites and Indians there on the line of Mississippi or Alabama and moved in the neighborhood of Tuscaloosa, Alabama.

Q When did he move there? A That was between 1827 and 1830.

Q Where did he move from? A I can't say just where from. The records say that he moved by wagon.

Q You have no idea where he was living before that? A No sir, no more than he was living somewhere with the Choctaw Indians.

Q Living with them? A Yes sir.

Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir, none that I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I cant say as to whether they did or not.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of them ever get any land under any other ~~article~~ provision of that treaty? A No sir.

Q Did any of them ever get any money from the Government? A No sir.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land under that 14th article. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States and take land, and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land,

Shandy W. Samuels et al--4

and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not as I know of.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No more than those who have testified to the rest of the family--there's about ten or twelve of the leading lawyers of the State of Alabama sent in some ~~indix~~ affidavits.

Q Do you mean that these affidavits have been sent in in your mother's case? A Yes sir and for all the rest of the members of her family.

Q Do you know whether any of those people know whether any of your people ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir, that was brought out I think before the last Commission.

Q That point? A I think it was.

Q What one of those witnesses knows about that--that occurred here 71 years ago--now who knows whether your people complied with that treaty or not? A I can't say with the treaty of 1830 at all.

Q Do you know of the existence of any written evidence of any kind which would prove or tend to prove such a state of facts--that is, that your people living here 71 years ago were Choctaws and that they complied with this treaty provision? A No sir.

Q Have you any written evidence to offer at this time? A I have an affidavit to show that ~~at~~ I am the son of Georgia Samuels.

The affidavit of Georgia Samuels offered in evidence, identified as Exhibit-A, filed and made a part of the records in this case.

Q Is that all the papers you have? A Yes sir.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q Have you any brothers living? A No sir.

Q Have you any sisters living? A No sir.

Q Have you any brothers or sisters dead who left children? A No sir. Has your mother any brothers or sisters living? A Yes sir.

Q How many brothers? A I think she has five brothers and three sisters living.

Shandy W. Samuels et al--5

Q I wish you would name those brothers? A Haywood Jones, Summers Jones, Spott Jones, William Jones, -I don't remember the other one.
Q The girls are? A Lillie Jones.
Q Is she married? A Yes sir.
Q What's her married name? A Lillie Connolly.
Q Next one? A Pink--I don't know what her other name is.
Q Next one? A Elizabeth.
Q Do you know what her other name is? A Her name is Elizabeth Popp.
Q Next one? A Paralee--I don't know what her other name is either.
Q How many of them have been before the Commission? A They all have been before the Commission.
Q Here at Meridian? A Yes sir.
Q Has your mother any brothers or sisters dead? A She has two or three dead but they died when I was young and I don't remember but one of them, that is Haywood Jones.
Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a full blood negro--shows no indications of being possessed of Indian blood--he does not speak or understand the Choctaw language.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 13th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 7th day of March, 1902, at Philadelphia, Mississippi.

L. B. Massey
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *G. W. Martin*

Deputy.

M C R 4767

Muskogee, Indian Territory, April 17, 1903.

S. W. Samuels,

Pass Christian, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, requesting that your marriage license be returned you.

In reply you are informed that the record in your case is now in the hands of the Secretary of the Interior, and you should correspond with him relative to the return of your marriage license.

Respectfully,

Chairman.

COPY.

M C R 4767

Muskogee, Indian Territory, July 22, 1902.

Shandy W. Samuels,
Pass Christian, Mississippi.

Dear Sir:

You are hereby advised that on the 22nd day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Georgia Samuels, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|------------|
| Georgia Samuels, et al., | M C R 2314 |
| Shandy W. Samuels, et al., | M C R 2767 |
| Eveline McGuire, et al., | M C R 2678 |
| Maggie White, | M C R 2679 |
| Shandy McGuire, et al., | M C R 2675 |
| Elizabeth Pope, et al., | M C R 2312 |
| Val H. Pope, et al., | M C R 2443 |
| Evelina Hodge, | M C R 2442 |
| Spottswood Jones, et al., | M C R 2315 |
| Summers Jones, | M C R 2676 |
| Fred Hawkins, et al., | M C R 2628 |
| William H. O'Rourke, et al., | M C R 2563 |
| Lillie Woods, | M C R 2562 |

These applications were made under the provisions of the act of Congress of June 25, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts

necessary thereto, and make report to the Secretary of the Interior*.

Said decision concludes as follows:

"It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Georgia Samuels, Van Jones, Pink Samuels, Shandy W. Samuels, Georgia Samuels(2), Eveline McGuire, Louis McGuire, Ophelia McGuire, Vaggie White, Shandy McGuire, Haywood T. McGuire, Elizabeth Pepe, Cornelia Jones, Lizzie Conley, Val H. Pepe, Arthur L. Pepe, Annie M. Pepe, Evalina Hodge, Spottswood Jones, Annie Jones, John Jones, Kliska Jones, Gesna Jones, Charles Jones, Jeanetta Jones, Somers Jones, (dead), Carita Jones, Walter Conley Rosa Conley Lina Conley, Roy Conley, Maybelle Conley, Georgia Jones, Summers Jones, Fred Hawkins, Annie Hawkins, Lillie Hawkins, Fred Hawkins(2), Ethel Hawkins, William H. O'Rourke, Lillie C. O'Rourke, Eva C. O'Rourke, Henry S. O'Rourke, Timothy R. O'Rourke, Val P. O'Rourke and Lillie Woods as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered*.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Commissioner in Charge.

Muskogee, Indian Territory, August 2, 1903.

Shandy W. Samuels,

Pasa Christian, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd inst., wherein you state that you are at a loss to know why the evidence you furnished the Commission was insufficient to prove your identity as a Choctaw Indian. You also state that the evidence furnished was from the most representative people of the State of Alabama, and that you are confident some grave mistake has been made on the part of the Commission. In conclusion, you further ask an early investigation of the matter.

The authority vested in this Commission to determine the identity of so called Mississippi Choctaws is contained in a provision of the act of Congress of June 22, 1898, and is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

At the time you made your application for the identifica-

B W S 3

tion of yourself and your minor child as Mississippi Choctaws, in reply to a question you stated that you understood the fourteenth article of the Choctaw treaty of 1830.

The Commission, in determining the right of persons to be identified as Mississippi Choctaws, requires that the applicants reasonably demonstrate that they are descendants of Choctaw Indians who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and who complied or attempted to comply with the 14th article of the treaty of 1830 or were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Interior Department in an opinion of December 3, 1901, defining the power of this Commission to identify so called Mississippi Choctaws under the act of Congress of June 28, 1898, used the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty'."

It would, therefore, in order for you to obtain rights as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830,

S W S 3

be necessary to show that the least remote of your ancestors, who was living at the date of the conclusion of the treaty of 1830, was a beneficiary under the provisions of article fourteen thereof.

The several applicants included in the consolidated Mississippi Choctaw case of Georgia Samuels and certain other persons, applicants to this Commission for identification as Mississippi Choctaws, claiming descent from one Zadoo Love and his wife Margaret, having failed to submit any proof tending to show any compliance on the part of their common ancestors with any of the provisions of article fourteen of the Choctaw treaty of 1830, the Commission on July 22, 1902, rendered its decision refusing the applications of the several persons included in said consolidated case, and on the same date notified the several interested applicants of such decision and of the forwarding of the record to the Secretary of the Interior for review.

You will be duly notified of any action taken by him.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory October 17, 1902.

Shandy W. Samuels,

Pass Christian, Mississippi.

Dear Sir:

You are hereby advised that on the 9th day of October 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Georgia Samuels, et al., of which decision you were advised by registered mail on the 22d day of July, 1902.

Respectfully,

Wm. H. H. H.
Acting Chairman.

For Identification as a Mississippi Choctaw.
Meridian Miss.

FEB 13 1902

Name *Shandy W. Samuels*

Age *26*

Blood *3/8*

Post Office, *Pass Christian, Miss.*

Father: *James Samuels* *S*

Mother: *Georgia Samuels* *3/4 S*

Claims through mother.

Wife: *Corinne Samuels* *S*

No claim for wife.

Claims for self and one child

Children:

Georgia Samuels

19mo

Stenographer

J. A. Niles

Choctaw MCR 4768

Jackson Powe

See MCR 4648

MCR 4768

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Jackson Powe, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

Jackson Powe, et al M.C.R. 4768
Collie Powe, et al " 4848

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Jackson Powe, et al.

| | (Page) |
|--|--------|
| Original application of Jackson Powe, et al.,
before the Dawes Commission for identification
as Mississippi Choctaws | 1 |
| Testimony of Jimmie Slay | 6 |
| Original application of Collie Powe, et al.,
before the Dawes Commission for identification
as Mississippi Choctaws | 9 |
| Certified copy of marriage license of C. W. Powe
and Della McIntosh | 17 |
| Affidavit of James Collins | 18 |
| Decision of the Commission denying the application
of Jackson Powe, et al., for identification
as Mississippi Choctaws | 19 |

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4768

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, February 13th, 1902.

In the matter of the application of Jackson Powe for the identification of himself and six minor children, Jimmie, Ulysses, Charleston, Augusta, Chester and Organdy Powe, as Mississippi Choctaws.

APPEARANCES: S.A. Beadle, Attorney for applicants,
A.W. Jones, Agent for applicants.

Said Jackson Powe, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What's your name? A Jackson Powe.
Q How old are you? A Thirty-eight.
Q How much Choctaw blood have you? A I claim about a quarter.
Q What's your postoffice address? A Bucatunna, Mississippi.
Q What County? A Wayne County.
Q How long have you lived in Wayne County? A Lived there always since I been born.
Q Is your father living? A No sir.
Q What was his name? A Wesley Powe.
Q Is your mother living? A No sir.
Q What was her name? A Jennie Powe.
Q Through which one of your parents did you get your Choctaw blood? A Through my mother.
Q How long has your mother been dead? A She's been dead about fourteen years.
Q How old was she when she died? A I reckon she was about fifty-fourty-five or fifty.
Q Where was she born? A She was born there in Wayne County.
Q She lived there all her life? A Yes sir.
Q Was she a slave? A Not as I knows of.
Q Was your father a slave? A Not as I knows of.
Q Through which one of her parents did your mother get her Choctaw blood? A Through her mother.
Q What was her mother's name? A Eady Slay.
Q Did she have any other name? A Not as I knows of.
Q How much Choctaw blood did Eady have? A Mother always told me she was Indian-I don't know exactly.
Q What kind of an Indian? A Choctaw Indian.
Q Did she tell you how much Choctaw blood she had? A No sir.
Q Did you ever see Eady? A Yes sir, but I was small then. I cant recollect her good.
Q Where was she born? A I don't know, sir.
Q Do you know where she lived prior to your birth? A She lived there in Wayne County, ever since I knew anything.
Q Where did she live before you knew her? A I never heard tell of anywhere but there.
Q Do you know the name of either of Eady's parents? A No sir.
Q You couldn't swear that she was a full blood Choctaw, could you? A No sir, I could swear that my mother said she was an Indian.
Q Are you married? A Yes sir.
Q How many times have you been married? A Once.
Q Is your wife living? A Yes sir.

Jackson Powe et al--2

Q What's her name? A Martha Powe.
Q Was she any Choctaw blood? A No sir, not as I know of.
Q You make no claim for her, then? A No sir.
Q Have you any children living for whom you want to make application? A Yes sir, six.
Q What are their names and ages? A Jimmie.
Q How old? A Fourteen.
Q Next one? A Ulysses.
Q How old? A About twelve.
Q Next one? A Charleston.
Q How old? A About eight.
Q Next one? A Augustus.
Q Is that a girl? A No sir, that's a boy.
Q How old is he? A Six.
Q Next one? A Chester.
Q How old? A He's about three.
Q Next one? A Organdy.
Q Is that a boy or girl? A Boy.
Q How old is he? A About six months old.
Q All these children are boys, are they? A Yes sir.
Q Are they all six living with you now? A Yes sir-one of them isn't at home with me right now but they live with me.
Q They are all the children of yourself and Martha Powe? A Yes sir.
Q Were you married to her under a license? A Yes sir.
Q When? A Its been about fifteen years.
Q Where? A Buckatunna.
Q Who married you? A Elder Pugh.
Q A preacher? A Yes sir.
Q Have you your license and certificate with you at this time? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife Martha for use in connection with the application you make in behalf of your minor children; this should be furnished within thirty days from this date.

Q Is your name or the name of any one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir not as I know of.
Q Has any application of any description ever been made for you or any of these children before today for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and six minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of

Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here that is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family desiring to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek. Do you understand that 14th article? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not as I know of.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.

Q Did any of them, in fact, live here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made-- 71 years ago? A Not as I know of.

Q Did any of them remove to the new Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.

Q Did any of them get any land here in Mississippi from the Government under any other provision of that treaty? A Not as I know of.

Q Did any of them ever get any money from the Government? A No sir, not as I know of.

Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under that 14th article. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi and heard the cases of a great many Choctaws. They held sessions here in this State between the years 1837 and 1845.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to ~~select~~ select, in place of the land so sold by the Government, land somewhere else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress?

A No sir, not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any description which would show or tend to show such a state of facts? A No sir.

Q Have you any written evidence to offer at this time in support of your application? A No sir, not at this time.

Q Have you any witnesses here today? A Yes sir, one.

Q What's his name? A James Slay.

Q What do you expect to prove by him? A Brove my Choctaw Indian blood.

Q Is that all? A Yes sir.

Q Is that all the witnesses you have? A Yes sir.

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Meridian between now and the 15th of this month or within a reasonable time thereafter at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you want to make at this time?

A No sir.

Q Have you any brothers living? A Yes sir.

Q How many? A Three.

Q What are their names? A Robert Powe, Oliver Powe and Collie Powe.

Q Have any of them been before the Commission? A Collie appeared here I think.

Q Have you any sisters living? A Yes sir.

Q How many? A Two.

Q What are their names? A Frances Willars and Nancy Belton.

Q Have you any brothers or sisters dead who left children? A Yes sir, two sisters dead who left children.

Q What are the names of those sisters? A Rachel Powe and Eady Powe.

Q Did they both marry Powes? A Yes sir.

Q How many of the children of Rachel are living? A Six I believe.

Q With whom do they live? A They are married, all but two--they live with their father.

Q Are any of your mother's brothers or sisters living? A One brother.

Q What's his name? A Eady Collins.

Q Has he been before the Commission? A No sir, not as I know of.

This applicant has the appearance of being a full blood negro--shows no indications of being possessed of Indian blood--does not speak or understand the Choctaw language.

Jimmie Slay, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Jimmie Slay.
Q How old are you? A About eighty.
Q What's your postoffice address? A Buckatunga.
Q What County? A Wayne County.
Q How long have you lived in Wayne County, Mississippi? A Eighty years.
Q All your life? A Yes sir.
Q Were you a slave? A Yes sir.
Q You aren't an applicant for identification as a Mississippi Choctaw, are you? A No sir.
Q What's your occupation? A Farming.
Q Are you acquainted with Jackson Powe? A Yes sir.
Q Is he any kin to you? A He's my wife's grandson-I raised him pretty much.
Q You have known him all his life then, have you? A Yes sir.
Q Are you interested in any way in the result of his application?
A I don't wish for him to lose or to make only what's right.
Q You are not interested, then, in any way in the result of his application? A Only what's right.
Q Were you acquainted with this boy's mother? A I pretty well raised her.
Q What was her name? A Jennie.
Q Were you acquainted with Jennie's mother? A I had her for a wife.
Q How long has she been dead? A About ten years.
Q How old was she when she died? A Well, I don't know her age exactly.
Q Was she older than you or younger than you? A I was a little the oldest.
Q What was her name? A Eady.
Q What was her name before you married her? A We hadn't no particular name-only went by the name of owners.
Q What were her owners' names? A Collins.
Q Where was Eady born? A In Wayne County.
Q And lived there all her life, did she? A Yes sir.
Q Did she have any Choctaw blood-Eady? A Her father was a Choctaw.
Q What was his name? A Off.
Q What other name did he have? A Only by Indian.
Q Was he a full blood Choctaw Indian? A Yes sir, he was a Choctaw.
Q Full blood? A Yes sir.
Q Nothing but Choctaw? A Choctaw.
Q Was he a slave? A No sir.
Q Did you know Eady's mother? A Yes sir.
Q What was her name? A Jennie.
Q Was she a slave? A Yes sir, she was a slave.
Q This Indian Off was married to her, was he? A No sir, he wasn't married to her.
Q Did she ever have any other children by him except Eady? A No sir.
Q When did this Indian Off die? A He's been dead about thirty years or more.

Jackson Powe et al--7

- Q Was he as old when he died as you are now? A No sir.
Q You never did hear any other name for him? A No sir.
Q Are you certain th t he was a full blood Chootaw? A Yes sir, he was a Chootaw for he camped there at our place a heap of times.
Q Where did he live? A He lived in the nation back here.
Q What County? A Clarke-the upper edge of Wayne County.
Q Could he speak the Chootaw language? A Yes sir.
Q Do you know the name of his father and mother? A No sir-all that county from the upper edge of Wayne was an Indian territory.
Q Do you remember when the Indians were moved out of this country the first time? A Yes sir.
Q How old was you at that time? A I was about fourteen years old.
Q Did Eady or any of her people leave this County and go out there with the Indians when they moved? A No sir.
Q Her father didn't go out there? A I reckon he went-I don't know where he was.
Q Did he leave this country about the time the other Indians left here when you were thirteen or fourteen years old? A Yes sir, he left about the time they moved the Indians.
Q Do you know where he went? A He went where the other ones went, I reckon.
Q Did you ever see him again? A No sir.
Q How do you know, then, when this Indian Off died? A He died about thirty years ago after he went away from here.
Q How did you hear that? A I heard it in passing some way or other. The Indians after they carried them away once in a while would get back again.
Q He never did come back here to Mississippi, did he? A No sir.

Commission:

Mr. Readle, Does this witness know whether any of the ancestors of the applicant Jackson Powe ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits?

Q Mr. Readle:

No sir.

Examination by Mr. Readle:

- Q You say you knew Eady's father? A Yes sir.
Q He was an Indian? A Yes sir.
Q You call him Off? A Yes sir.
Q How long did Eady's father and mother live together? A I don't know.
Q Did they live together at all? A I don't know.
Q Was Eady married to anybody? A I had her myself. When this young man's mother was a little bit of a baby I had her.
Q Then you aren't the father of Jennie? A No, she was a baby when I had her mother.
Q You raised Jennie, did you? A Yes sir.
Q Do you now swear that Eady was a half blood Chootaw Indian woman? A Yes sir.

Commission:

This witness is a negro of average intelligence.

Jackson Powe et al--8

(Witness excused)

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, February 13th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

I. S. Miles
Subscribed and sworn to before me this the 7th day of March, 1902,
at Philadelphia, Mississippi.

L. B. Mosley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *J. W. Smith*

Deputy.

J.F.H.
C.W.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Jackson Powe, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

| | |
|---------------------|-------------|
| Jackson Powe, et al | M.C.R. 4768 |
| Collie Powe, et al | " 4646 |

--: D E C I S I O N :--

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Jackson Powe for himself and his six minor children, Jimmie,
Ulysses, Charleston, Augusta, Chester and Organdy Powe, and by
Collie Powe for himself and his minor child, Collie Powe Jr.,
under the following provision of the act of Congress approved June
28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw lands
under article fourteen of the treaty between the United States
and the Choctaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts necessary
thereto and make report to the Secretary of the Interior."

(2)

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Off (or Indian Off), who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Off (or Indian Off), or a less remote ancestor of any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of

(3)

Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jackson Powe, Jimmie Powe, Ulysses Powe, Charleston Powe, Augusta Powe, Chester Powe, Organdy Powe, Collie Powe and Collie Powe Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

AUG 27 1902

M C R 4768,

Muskogee, Indian Territory, August 27, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South, McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 27th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jackson Powe, et al., embracing the following applications for identification as Mississippi Choctaws:

Jackson Powe, et al.,
Collie Powe, et al.,

M C R 4768
M C R 4648

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

M MEM & C-2.

"It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jackson Powe, Jimmie Powe, Ulysses Ewe, Charleston Powe, Augusta Powe, Chester Powe, Organdy Powe, Collie Powe and Collie Powe Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time if such action as may be taken by him.

Yours truly,

James Smith,
Acting Chairman.

M C R 4768

Muskogee, Indian Territory, August 27, 1902.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jackson Fowe, et al., embracing the following applications for identification as Mississippi Choctaws:

Jackson Fowe, et al.,
Cellie Fowe, et al.;

M C R 4768
M C R 4646

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stat., 495), which is as follows)

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

A W J-2.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jackson Powe, Jimmie Powe, Ulysses Powe, Charleston Powe, Augusta Powe, Chester Powe, Organdy Powe, Cellie Powe and Col-
lie Powe Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

M C R 4768

Muskogee, Indian Territory, August 27, 1902.

S. A. Boodle,
Attorney at Law.
Jackson, Mississippi.

Dear Sir:

You are hereby advised that on the 27th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jackson Powe, et al., embracing the following applications for identification as Mississippi Choctaws:

Jackson Powe, et al.,
Collie Powe, et al.,

M C R 4768
M C R 4648

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

S A B-2.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jackson Powe, Jimmie Powe, Ulysses Powe, Charleston Powe, Augusta Powe, Chester Powe, Organdy Powe, Collie Powe and Gollie Powe Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

COPY.

M C R 4768

Muskogee, Indian Territory, August 27, 1902.

Jackson Powe,

Bucatunna, Mississippi.

Dear Sir:

You are hereby advised that on the 27th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jackson Powe, et al., embracing the following applications for identification as Mississippi Choctaws:

Jackson Powe, et al.,
Collie Powe, et al.,

M C R 4768
M C R 4648

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

J P-2.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jackson Powe, Jimmie Powe, Ulysses Powe, Charleston Powe, Augusta Powe, Chester Powe, Organdy Powe, Collie Powe and Callie Powe Jr., as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James C. Smith

Acting Chairman.

Registered.

M C R 4768

Muskogee, Indian Territory, August 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Jackson Powe, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 27, 1902.

The Above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Jackson Powe, et al.,
Callie Powe, et al.,

M C R 4768
M C R 4648

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman,

Through the Commissioner
of Indian Affairs.
1 enclosure.

--:-- COPY --:--

Land.

51545-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Nov. 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made August 27, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the consolidated case of Jackson Powe, et al., applicants for identification as Mississippi Choctaws claiming rights under the provisions of the fourteenth article of the treaty of 1830.

Jackson Powe applies for the identification of himself and his six minor children, Jimmie, Ulysses, Charleston, Augusta, Chester and Organdy and Collie Powe applies for the identification of himself and his minor child, Collie Powe, junior.

August 27, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed through Eady or Edith Slay, grandmother of Jackson Powe, to Off, or Indian Off, and Jennie (to whom Off was not married), great-grandparents of Jackson Powe.

-:- 2.:-

The applicants are not full-blood Choctaw Indians. A careful examination of the records of this office fails to show that any of the alleged ancestors received a patent to land under the provisions of article fourteen of the treaty of 1830, or that they complied or attempted to comply with the provisions of said article; neither does it appear that they applied to the Commission appointed under the Acts of March 3, 1837 and August 23, 1848, for an adjudication of any rights they may have has as Choctaws.

It is therefore respectfully recommended that the decision of the Commission rejecting the applications, be affirmed.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAW
D

3 inclosures.

-:- COPY -:-

D.C. 21978.

EAF.

I.T.D. 6883-1902.

DEPARTMENT OF THE INTERIOR.

L.R.S.

Washington,

November 13, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

August 27, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Jackson, Jimmie, Ulyses, Charleston, Augusta, Chester and Organdy Powe; and of Collie Powe and Collie Powe, Jr.

The applicants claim rights under article XIV of the treaty of September 27, 1830, by reason of being descendants of one Off (or Indian Off), alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Off or a less remote ancestor of the applicants complied or attempted to comply with article XIV of said treaty, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications August 27, 1902.

-:- 2 -:-

Forwarding the papers November 5, 1902, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Having carefully examined the entire record, the Department affirms the decision rendered.

Respectfully,

Thos. Ryan,

Acting Secretary.

E.M.D.

1 inclosure.

Muskogee, Indian Territory, November 22, 1902.

A.W. Jones,

Agent,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 13th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jackson Powe, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

~~Special Agent in Charge~~
Acting Chairman.

Muskogee, Indian Territory, November 22, 1902.

S.A. Beadle,
Attorney-at-Law,
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jackson Powe, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, November 22, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jackson Powe, et al., of which decision you were advised by mail on the 27th day of August, 1902.

Respectfully,

Acting Chairman.

M.C.R. 4768

Muskogee, Indian Territory, November 22, 1902.

Jackson Powe,

Bucatuma, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jackson Powe, et al., of which decision you were advised by registered mail on the 27th day of August, 1902.

Respectfully,

James D. Hays

Acting Chairman.

REPORT TO J. R.

Jackson Town
1860

Unrecorded Rev. 2

Indean (off. free)
wife
slave

Cady (or Cate) Slay
husband
Jimmie Slay

Jimmie Slay 1/2
- mar
Mestey Powe, dead,
slave

Jackson Powe 38 1/4
wife
Martha Powe

Robert Powe

Olive Powe

Cassie Powe 30 1/4
wife
Bella Powe

Francis Powe
mar
- Millars (or Steward)

Nancy Powe
mar
- Belton

Nash Powe, dead
mar
Powe

Cady (or Cate) Powe
mar
- Powe

Jimmie Powe 14
Hester Powe 2
Charlotte Powe 1
Angela Powe 6
O'Brien Powe 1
O'Gandy Powe 6 m

Cassie Powe, 6 m

Willie Powe
Catherine Powe
Maggie Powe
Hester Powe
Robert Powe
Ada Powe
Katie Powe
Powe

Emma Powe
Jane Powe
Mestey Powe
Mack Powe, dead
Jackson Powe
James Powe

#1787

No. 4738

For Identification as a Mississippi Choctaw.
 Meridian Miss.

Date

FEB 13 1902

Name

Jackson Powe

Age

38

Blood

1/4

Post Office,

Bucaturrma, Miss.

Father:

Wesley Powe

d

Mother:

Jennie

"

d

Claims through

mother

wife

Martha (Powe)

S

no claim for wife.

Claims for ...

Children:

| | | |
|------------|------|----------|
| Jimmie | Powe | 14 |
| Ulysses | " | 12 |
| Charleston | " | 8 |
| Augusta | " | (M) 6 |
| Chester | " | 3 |
| Organdy | " | (M) 6 mo |

mothers mother

E. y

W. y

Stenographer

J. S. Miles

Choctaw MCR 4769

Alf Scarborough

See MCR 252

MCR 4769

Commission to the Five Civilized Tribes,
Durant, Indian Territory.

In the application of Alf Scarborough for enrollment as a
Choctaw; being sworn and examined by Com'r McKennon he testifies:

- Q What is your name? A Alf Scarborough.
Q How old are you? A Twenty-six.
Q Are you on the Choctaw rolls? A No sir.
Q Never have been? A No sir.
Q Have your father and mother ever been on the Choctaw rolls?
A No sir.
Q Where are you living? A I am living in Texas now.
Q You have lived there all your life pretty much? A Yes sir,
most of the time.

Com'r McKennon: Enrollment is refused.

Office of the Interior
Commission to the Five Civilized Tribes.
I hereby certify that the official oath as
steno-graphed and Commissioned. That this
transcript is a true and correct translation of
my stenographic notes.
McKennon

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alf Scarborough for enrollment as a citizen of the Choctaw Nation.

D E C I S I O N.

The applicant, Alf Scarborough, appeared before the Commission at Durant, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen of the Choctaw Nation.

From an examination of the records in possession of the Commission, and from the evidence in this case, it appears that the name of the applicant has never been upon any of the tribal rolls of the Choctaw Nation, and that the applicant was never admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the said Nation, by the Commission to the Five Civilized Tribes, acting under the Act of Congress of June 10, 1896, or by the United States Court in Indian Territory, on appeal from the decision of the Choctaw tribal authorities or the decision of the said Commission.

It also appears from the evidence that the applicant did not remove to Indian Territory in compliance with the Act of Congress of June 28, 1898, (Curtis Bill), which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Therefore, the application of the said Alf Scarborough for enrollment as a citizen of the Choctaw Nation is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory, _____ 1901.

COMMUNICATION
HENRY L. DAVES
TAMM BERRY
THOMAS B. NEFF
G. R. BREWSTER

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING
H.C.R. 4763.

Muskogee, Indian Territory, May 31, 1902.

Alf Scarborough,

Care J.O. Pool, Attorney at Law,

Waco, Texas.

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Scarborough, et al, embracing the following applications for identification as Mississippi Choctaws:

| | | |
|-----------------------------------|----------|------|
| John Scarborough, et al, | M. C. R. | 252 |
| Cora Ballard, et al, | M. C. R. | 97 |
| Ada Gailer, et al, | M. C. R. | 98 |
| Johnnie La Fayette Trotter | M. C. R. | 99 |
| William E. Pike, et al, | M. C. R. | 100 |
| Margaret E. Peveto, | M. C. R. | 101 |
| William J. Peveto, et al, | M. C. R. | 102 |
| Pinckney L. Scarborough, et al, | M. C. R. | 103 |
| Josie Carpenter, et al, | M. C. R. | 165 |
| James Carpenter, | M. C. R. | 166 |
| Margaret Sanders, et al, | M. C. R. | 167 |
| Carrie Pike, | M. C. R. | 231 |
| James E. Pike, et al, | M. C. R. | 232 |
| Mattie McDowell, et al, | M. C. R. | 251 |
| William D. Scarborough, et al, | M. C. R. | 253 |
| Sallie Mullins, et al, | M. C. R. | 254 |
| Susan Freeman, et al, | M. C. R. | 255 |
| Cornelius B. Scarborough, et al, | M. C. R. | 256 |
| John B. Mullins, | M. C. R. | 257 |
| Maggie Bradley, | M. C. R. | 258 |
| John S. Scarborough, et al, | M. C. R. | 259 |
| William A. Freeman, et al, | M. C. R. | 260 |
| William L. Mullins, | M. C. R. | 261 |
| Guy M. Granbury, | M. C. R. | 286 |
| Robert N. Scarborough, et al, | M. C. R. | 442 |
| Richard Elery Scarborough, et al, | M. C. R. | 691 |
| James J. Berry, et al, | M. C. R. | 692 |
| Margareete E. Phipps, | M. C. R. | 3296 |
| Lucy E. Langford, et al, | M. C. R. | 3297 |
| John L. Oakes, et al, | M. C. R. | 3315 |
| Guy Oakes, et al, | M. C. R. | 3316 |
| Lucy Bond, et al, | M. C. R. | 3317 |
| Amanda Eubanks, et al, | M. C. R. | 4031 |

C. B. Granbury,
 Alf Scarborough,
 Sam Scarborough,
 Wesley Scarborough,

M. C. R. 4078
 M. C. R. 4769
 M. C. R. 4770
 M. C. R. 4771

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John Scarborough, Cora Ballard, Atha Ballard, Ada Gailer, Lorrel Samuel Gailer, Johnnie LaFayette Trotter, William E. Pike, Rennie Naomi Pike, Lona Lee Pike, Margaret E. Peveto, William J. Peveto, William Lonnie Peveto, Pinckney L. Scarborough, Dora May Scarborough, Rosa Jane Scarborough, Josie Carpenter, Mallie E. Carpenter, Nellie E. Carpenter, James Carpenter, Margaret Sanders, Carrie Pike, James E. Pike, Ernie E. Pike, Mattie McDowell, Bertha McDowell, Fred McDowell, Clifton McDowell, Hellen McDowell, Leon McDowell, William D. Scarborough, Leslie Scarborough, Maud Scarborough, Hugh Scarborough, Sallie Mullins, Atmar Nelms Mullins, Jennie F. Mullins, Ludie S. Mullins, Susan Freeman, Dill Freeman, John Freeman, Ina Freeman, Anner Freeman, Ida Freeman, Cornelius B. Scarborough, Clyde Scarborough, John B. Mullins, Maggie Bradley, John S. Scarborough, Mary A. Scarborough, Roscoe Scarborough, Maggie Scarborough, John Scarborough, Jr., William A. Freeman, Cuebell Freeman, Clyde Freeman, William L. Mullins, Guy M. Granbury, Robert N. Scarborough, Robert L. Scarborough, Oscar B. Scarborough, Burrell Scarborough, Richard Elery Scarborough, Ester Pearl Scarborough, James J. Berry, Earnest Berry, Roy W. Berry, Nellie Berry, Charlie Berry, Clyde Berry, Frank P. Berry, Margarette E. Phipps, Lucy E. Langford, Clinton O. Langford, Sarah E. Langford, Emma May Langford, Annie L. Langford, Johnnie Langford, B. rtie Langford, John L. Oakes, Lawrence Oakes, Reuben F. Oakes, Guy Oakes, Daisy Oakes, Mary Agnes Oakes, Lucy Bond, Olah Bond, Amanda Eubanks, Sidney Ethel Dunnam, Frances Alma Mullins, Percy Hunter Dunnam, Millard Bond Dunnam, Maggie Ora Mullins, C. B. Granbury, Alf Scarborough, Sam Scarborough and Wesley Scarborough as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for applicants for the withdrawal of the applications made by John Scarborough for the identification of his wife, Lurena Scarborough; by Josie Carpenter for the identification of her husband, Ephraim Carpenter; by Margaret Sanders for the identification of her husband, Calvin Sanders; by Mattie McDowell for the identification of her husband, John S. McDowell; by Sallie Mullins for the identification of her husband, Benjamin Franklin Mullins; by Cornelius B. Scarborough for the identification of his wife, Massie Scarborough; by William A. Freeman for the identification of his wife, Etta Freeman; and by James J. Berry for the identification of his wife, Mary Berry, all as intermarried Mississippi Choctaws, and that the said applications were thereupon dismissed by the Commission, no further consideration of their cases is necessary.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the appli-

cation made by William D. Scarborough, for the identification of his wife, Fannie Scarborough, as an intermarried Mississippi Choctow should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James Dix

Acting Chairman.

Registered.

- 4078
" 4771
" 4769

Muskogee, Indian Territory, November 26, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on November 10, 1902, the Secretary of the Interior affirmed the decision of the Commission in the consolidated Mississippi Choctaw case of John Scarborough, et al., as to those applicants who claim identification as Mississippi Choctaws, and directs the Commission to advise the applicants, C. B. Granbury, Alf Scarborough, Wesley Scarborough and Sam Scarborough, that the decision rendered in their cases was based only on their applications for enrollment as citizens by blood of the Choctaw Nation, and that a further hearing would be afforded them if they so desire to present their claims as Mississippi Choctaws.

The Commission has this day addressed C. B. Granbury, Alf Scarborough, Wesley Scarborough and Sam Scarborough, letters of notification in regard to this matter, advising those applicants that they will be permitted thirty days from date hereof within which to submit their applications for identification as Mississippi Choctaws under the provisions of act of Congress approved June 28, 1898.

Respectfully,

Acting Chairman.

" 4078
" 4771
" 4769

Muskogee, Indian Territory, November 26, 1902.

J. O. Pool,

Attorney at Law,

Nacona, Texas.

Dear Sir:

You are hereby advised that on November 10, 1902, the Secretary of the Interior affirmed the decision of the Commission in the consolidated Mississippi Choctaw case of John Scarborough, et al., as to those applicants who claim identification as Mississippi Choctaws, and directs the Commission to advise the applicants, C. B. Granbury, Alf Scarborough, Wesley Scarborough and Sam Scarborough, that the decision rendered in their cases was based only on their applications for enrollment as citizens by blood of the Choctaw Nation, and that a further hearing would be afforded them if they so desire to present their claims as Mississippi Choctaws.

The Commission has this day addressed C. B. Granbury, Alf Scarborough, Wesley Scarborough and Sam Scarborough, letters of notification in regard to this matter, advising those applicants that they will be permitted thirty days from date hereof within which to submit their applications for identification as Mississippi Choctaws under the provisions of act of Congress approved June 28, 1898.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, November 26, 1902.

Alf Scarborough,
c/o J. O. Pool, Attorney at Law,
Nacoga, Texas.

Dear Sir:

On May 31, 1902, the Commission advised you of the rendition of a decision on May 13, 1902, refusing your application for identification as a Mississippi Choctaw, and also of the forwarding of the record in the consolidated case of John Scarborough, et al., including your application for identification as a Mississippi Choctaw, to the Secretary of the Interior for review.

The Commission is now in receipt of a letter from the Secretary of the Interior, under date of November 10, 1902, affirming the decision of the Commission as to those applicants who claim identification as Mississippi Choctaws, and instructing the Commission to advise you that the decision rendered in your case is based only on your application for enrollment as a citizen by blood of the Choctaw Nation, and that a further hearing will be afforded you if you so desire to present your claim as a Mississippi Choctaw.

You are therefore hereby advised that you will be permitted thirty days from date hereof within which to submit your appli-

A.S. -----2.

cation for identification as a Mississippi Choctaw under the provisions of act of Congress approved June 28, 1898.

Respectfully,

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date *August* 1899

Name *Alf Charleston*

Age *26* Blood

Post Office,

Father:

Mother:

Claims through

Children:

Stenographer *M. D. Green*

Choctaw MCR 4770

Sam Scarborough

See MCR 252

MCR 4770

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sam Scarborough for enrollment as a citizen of the Choctaw Nation.

D E C I S I O N.

The applicant, Sam Scarborough, appeared before the Commission at Durant, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen of the Choctaw Nation.

From an examination of the records in possession of the Commission, and from the evidence in this case, it appears that the name of the applicant has never been upon any of the tribal rolls of the Choctaw Nation, and that the applicant was never admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the said Nation, by the Commission to the Five Civilized Tribes, acting under the Act of Congress of June 10, 1896, or by the United States Court in Indian Territory, on appeal from the decision of the Choctaw tribal authorities or the decision of the said Commission.

It also appears from the evidence that the applicant did not remove to Indian Territory in compliance with the Act of Congress of June 28, 1898, (Curtis Bill), which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Therefore, the application of the said Sam Scarborough for enrollment as a citizen of the Choctaw Nation is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory, _____ 1901.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of Sam Scarborough for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Sam Scarborough.

Q How old are you? A Forty-four.

Q Are you on the Choctaw rolls? A No sir.

Q Never have been? A No sir.

Q Have your father and mother ever been on the Choctaw rolls here in the Territory? A No sir.

Q Are you living in Texas? A I am staying there working at the present time; was born and raised in Texas and moved here five years ago, and went away from here last June a year ago and am still back in Texas where I was raised.

Com'r McKennon: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes

M. D. McKennon

COMMISSIONER
HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4770.

Muskogee, Indian Territory. May 31, 1902.

Sam Scarborough,

Care J.O. Pool, Attorney at Law,

Nacoma, Texas.

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Scarborough, et al, embracing the following applications for identification as Mississippi Choctaws:

| | | |
|-----------------------------------|----------|------|
| John Scarborough, et al, | M. C. R. | 252 |
| Cora Ballard, et al, | M. C. R. | 97 |
| Ada Gailer, et al, | M. C. R. | 98 |
| Johnnie La Fayette Trotter | M. C. R. | 99 |
| William E. Pike, et al, | M. C. R. | 100 |
| Margaret E. Peveto, | M. C. R. | 101 |
| William J. Peveto, et al, | M. C. R. | 102 |
| Pinckney L. Scarborough, et al, | M. C. R. | 103 |
| Josie Carpenter, et al, | M. C. R. | 165 |
| James Carpenter, | M. C. R. | 166 |
| Margaret Sanders, et al, | M. C. R. | 167 |
| Carrie Pike, | M. C. R. | 231 |
| James E. Pike, et al, | M. C. R. | 232 |
| Mattie McDowell, et al, | M. C. R. | 251 |
| William D. Scarborough, et al, | M. C. R. | 253 |
| Sallie Mullins, et al, | M. C. R. | 254 |
| Susan Freeman, et al, | M. C. R. | 255 |
| Cornelius B. Scarborough, et al, | M. C. R. | 256 |
| John B. Mullins, | M. C. R. | 257 |
| Maggie Bradley, | M. C. R. | 258 |
| John S. Scarborough, et al, | M. C. R. | 259 |
| William A. Freeman, et al, | M. C. R. | 260 |
| William L. Mullins, | M. C. R. | 261 |
| Guy M. Granbury, | M. C. R. | 286 |
| Robert N. Scarborough, et al, | M. C. R. | 442 |
| Richard Elery Scarborough, et al, | M. C. R. | 691 |
| James J. Berry, et al, | M. C. R. | 692 |
| Margareete E. Phipps, | M. C. R. | 3296 |
| Lucy E. Langford, et al, | M. C. R. | 3297 |
| John L. Oakes, et al, | M. C. R. | 3315 |
| Guy Oakes, et al, | M. C. R. | 3316 |
| Lucy Bond, et al, | M. C. R. | 3317 |
| Amanda Eubanks, et al, | M. C. R. | 4031 |

C. B. Granbury,
 Alf Scarborough,
 Sam Scarborough,
 Wesley Scarborough,

M. C. R. 4078
 M. C. R. 4769
 M. C. R. 4770
 M. C. R. 4771

Said decision, after a review of the evidence submitted, concludes as follows :

“The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows :

“Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.”

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John Scarborough, Cora Ballard, Atha Ballard, Ada Gailer, Lorrel Samuel Gailer, Johnnie LaFayette Trotter, William E. Pike, Rennie Naomi Pike, Lona Lee Pike, Margaret E. Peveto, William J. Peveto, William Lonnie Peveto, Pinckney L. Scarborough, Dora May Scarborough, Rosa Jane Scarborough, Josie Carpenter, Mallie E. Carpenter, Nellie E. Carpenter, James Carpenter, Margaret Sanders, Carrie Pike, James E. Pike, Ermie E. Pike, Mattie McDowell, Bertha McDowell, Fred McDowell, Clifton McDowell, Hellen McDowell, Leon McDowell, William D. Scarborough, Leslie Scarborough, Maud Scarborough, Hugh Scarborough, Sallie Mullins, Atmar Nelms Mullins, Jennie F. Mullins, Ludie S. Mullins, Susan Freeman, Dill Freeman, John Freeman, Ina Freeman, Anner Freeman, Ida Freeman, Cornelius B. Scarborough, Clyde Scarborough, John B. Mullins, Maggie Bradley, John S. Scarborough, Mary A. Scarborough, Roscoe Scarborough, Maggie Scarborough, John Scarborough, Jr., William A. Freeman, Curbell Freeman, Clyde Freeman, William L. Mullins, Guy M. Granbury, Robert N. Scarborough, Robert L. Scarborough, Oscar B. Scarborough, Burrell Scarborough, Richard Elery Scarborough, Ester Pearl Scarborough, James J. Berry, Earnest Berry, Roy W. Berry, Nellie Berry, Charlie Berry, Clyde Berry, Frank P. Berry, Margaret E. Phipps, Lucy E. Langford, Clinton O. Langford, Sarah E. Langford, Emma May Langford, Annie L. Langford, Johnnie Langford, Bertie Langford, John L. Oakes, Lawrence Oakes, Reuben F. Oakes, Guy Oakes, Daisy Oakes, Mary Agnes Oakes, Lucy Bond, Olah Bond, Amanda Eubanks, Sidney Ethel Dunnam, Frances Alma Mullins, Percy Hunter Dunnam, Millard Bond Dunnam, Maggie Ora Mullins, C. B. Granbury, Alf Scarborough, Sam Scarborough and Wesley Scarborough as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for applicants for the withdrawal of the applications made by John Scarborough for the identification of his wife, Lurena Scarborough; by Josie Carpenter for the identification of her husband, Ephraim Carpenter; by Margaret Sanders for the identification of her husband, Calvin Sanders; by Mattie McDowell for the identification of her husband, John S. McDowell; by Sallie Mullins for the identification of her husband, Benjamin Franklin Mullins; by Cornelius B. Scarborough for the identification of his wife, Massie Scarborough; by William A. Freeman for the identification of his wife, Etta Freeman; and by James J. Berry for the identification of his wife, Mary Berry, all as intermarried Mississippi Choctaws, and that the said applications were thereupon dismissed by the Commission, no further consideration of their cases is necessary.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the appli-

cation made by William D. Scarborough, for the identification of his wife, Fannie Scarborough, as an intermarried Mississippi Choctow should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED. *James Dixey.*

Acting Chairman.

Registered.

Muskogee, Indian Territory, November 26, 1902.

Sam Scarborough,

c/o J. O. Pool, Attorney at Law,
Nacoma, Texas.

Dear Sir:

On May 31, 1902, the Commission advised you of the rendition of a decision on May 13, 1902, refusing your application for identification as a Mississippi Choctaw, and also of the forwarding of the record in the consolidated case of John Scarborough, et al., including your application for identification as a Mississippi Choctaw, to the Secretary of the Interior for review.

The Commission is now in receipt of a letter from the Secretary of the Interior, under date of November 10, 1902, affirming the decision of the Commission as to those applicants who claim identification as Mississippi Choctaws, and instructing the Commission to advise you that the decision rendered in your case is based only on your application for enrollment as a citizen by blood of the Choctaw Nation, and that a further hearing will be afforded you if you so desire to present your claim as a Mississippi Choctaw.

You are therefore hereby advised that you will be permitted thirty days from date hereof within which to submit your appli-

S. Q. -----2.

cation for identification as a Mississippi Choctaw under the provisions of act of Congress approved June 28, 1898.

Respectfully,

Acting Chairman.

4078
4771
4789

Wuskogee, Indian Territory, November 26, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on November 10, 1902, the Secretary of the Interior affirmed the decision of the Commission in the consolidated Mississippi Choctaw case of John Scarborough, et al., as to those applicants who claim identification as Mississippi Choctaws, and directs the Commission to advise the applicants, C. B. Granbury, Alf Scarborough, Wesley Scarborough and Sam Scarborough, that the decision rendered in their cases was based only on their applications for enrollment as citizens by blood of the Choctaw Nation, and that a further hearing would be afforded them if they so desire to present their claims as Mississippi Choctaws.

The Commission has this day addressed C. B. Granbury, Alf Scarborough, Wesley Scarborough and Sam Scarborough, letters of notification in regard to this matter, advising those applicants that they will be permitted thirty days from date hereof within which to submit their applications for identification as Mississippi Choctaws under the provisions of act of Congress approved June 28, 1898.

Respectfully,

Acting Chairman.

M.C.R. 4770.
" 4078
" 4771
" 4769

Muskogee, Indian Territory, November 26, 1902.

J. O. Pool,
Attorney at Law,
Wacona, Texas.

Dear Sir:

You are hereby advised that on November 10, 1902, the Secretary of the Interior affirmed the decision of the Commission in the consolidated Mississippi Choctaw case of John Scarborough, et al., as to those applicants who claim identification as Mississippi Choctaws, and directs the Commission to advise the applicants, C. E. Granbury, Alf Scarborough, Wesley Scarborough and Sam Scarborough, that the decision rendered in their cases was based only on their applications for enrollment as citizens by blood of the Choctaw Nation, and that a further hearing would be afforded them if they so desire to present their claims as Mississippi Choctaws.

The Commission has this day addressed C. E. Granbury, Alf Scarborough, Wesley Scarborough and Sam Scarborough, letters of notification in regard to this matter, advising those applicants that they will be permitted thirty days from date hereof within which to submit their applications for identification as Mississippi Choctaws under the provisions of act of Congress approved June 28, 1898.

Respectfully,

Acting Chairman.

No.

2770

For Identification as a Mississippi Choctaw.

Date Aug 1899

Name Wm Scarborough

Age 44 Blood

Post Office,

Father:

Mother:

Claims through

Children:

Steno-grapher

N. D. Green

Choctaw MCR 4771

Wesley Scarborough

See MCR 252

MCR 4771

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of Wesley Scarborough for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

- Q What is your name? A Wesley Scarborough.
- Q How old are you? A Sixty-eight.
- Q Are you on the Choctaw rolls? A No sir.
- Q Have you ever been? A No sir.
- Q Have your father and mother ever been on the rolls here?
- A I don't know sir.
- Q Where have you been living? A I was born in Alabama, I came from there in 1851.
- Q Where did you come to? A To Texas.
- Q How long did you live in Texas? A I have been living there ever since 1851.
- Q You are living there now? A Yes sir.

Com'r McKennon: We cannot enroll you; enrollment is refused:

Dep't of Interior,
Commissioner of the Five Civilized Tribes.
I hereby certify that the official work of the
Commissioner, that this is a true and correct translation of
the original.

M. A. Green

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Wesley Scarborough for enrollment as a citizen by blood of the Choctaw Nation.

D e c i s i o n .

The applicant, Wesley Scarborough, appeared before the Commission at Durant, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission and the evidence in this case, that the name of the applicant has never been on the tribal rolls of the Choctaw Nation; and it does not appear that said applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from said records and evidence that the said applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the act of Congress of June 10, 1896; or by the United States Court in Indian Territory, on appeal from the decision of the tribal authorities, or the decision of the Commission.

It further appears from the evidence, that the said applicant, did not remove to the Indian Territory in compliance with the Act of Congress of June 23, 1898, (Curtis Bill), which provides as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Therefore, the application of Wesley Scarborough for enrollment as a citizen by blood of the Choctaw Nation is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the _____ day of _____, 1901.

COMMISSIONERS
HENRY L. DAVES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALISON I. AVESWORTH
SECRETARY.

COPY.

DEPARTMENT OF THE INTERIOR.

• COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M.O.B. 4771

Muskogee, Indian Territory. May 31, 1902.

Wesley Scarborough,

Care J.O. Pool, Attorney at Law,

Nacona, Texas.

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Scarborough, et al, embracing the following applications for identification as Mississippi Choctaws:

| | | |
|-----------------------------------|----------|------|
| John Scarborough, et al, | M. C. R. | 252 |
| Cora Ballard, et al, | M. C. R. | 97 |
| Ada Gailer, et al, | M. C. R. | 98 |
| Johnnie La Fayette Trotter | M. C. R. | 99 |
| William E. Pike, et al, | M. C. R. | 100 |
| Margaret E. Peveto, | M. C. R. | 101 |
| William J. Peveto, et al, | M. C. R. | 102 |
| Pinckney L. Scarborough, et al, | M. C. R. | 103 |
| Josie Carpenter, et al, | M. C. R. | 165 |
| James Carpenter, | M. C. R. | 166 |
| Margaret Sanders, et al, | M. C. R. | 167 |
| Carrie Pike, | M. C. R. | 231 |
| James E. Pike, et al, | M. C. R. | 232 |
| Mattie McDowell, et al, | M. C. R. | 251 |
| William D. Scarborough, et al, | M. C. R. | 253 |
| Sallie Mullins, et al, | M. C. R. | 254 |
| Susan Freeman, et al, | M. C. R. | 255 |
| Cornelius B. Scarborough, et al, | M. C. R. | 256 |
| John B. Mullins, | M. C. R. | 257 |
| Maggie Bradley, | M. C. R. | 258 |
| John S. Scarborough, et al, | M. C. R. | 259 |
| William A. Freeman, et al, | M. C. R. | 260 |
| William L. Mullins, | M. C. R. | 261 |
| Guy M. Granbury, | M. C. R. | 286 |
| Robert N. Scarborough, et al, | M. C. R. | 442 |
| Richard Elery Scarborough, et al, | M. C. R. | 691 |
| James J. Berry, et al, | M. C. R. | 692 |
| Margarete E. Phipps, | M. C. R. | 3296 |
| Lucy E. Langford, et al, | M. C. R. | 3297 |
| John L. Oakes, et al, | M. C. R. | 3315 |
| Guy Oakes, et al, | M. C. R. | 3316 |
| Lucy Bond, et al, | M. C. R. | 3317 |
| Amanda Eubanks, et al, | M. C. R. | 4031 |

| | | |
|---------------------|----------|------|
| C. B. Granbury, | M. C. R. | 4078 |
| Alf Scarborough, | M. C. R. | 4769 |
| Sam Scarborough, | M. C. R. | 4770 |
| Wesley Scarborough, | M. C. R. | 4771 |

Said decision, after a review of the evidence submitted, concludes as follows :

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John Scarborough, Cora Ballard, Atha Ballard, Ada Gailer, Lorrel Samuel Gailer, Johnnie LaFayette Trotter, William E. Pike, Rennie Naomi Pike, Lona Lee Pike, Margaret E. Peveto, William J. Peveto, William Lonnie Peveto, Pinckney L. Scarborough, Dora May Scarborough, Rosa Jane Scarborough, Josie Carpenter, Mallie E. Carpenter, Nellie E. Carpenter, James Carpenter, Margaret Sanders, Carrie Pike, James E. Pike, Ernie E. Pike, Mattie McDowell, Bertha McDowell, Fred McDowell, Clifton McDowell, Hellen McDowell, Leon McDowell, William D. Scarborough, Leslie Scarborough, Maud Scarborough, Hugh Scarborough, Sallie Mullins, Atmar Nelms Mullins, Jennie F. Mullins, Ludie S. Mullins, Susan Freeman, Deli Freeman, John Freeman, Ina Freeman, Anner Freeman, Ida Freeman, Cornelius B. Scarborough, Clyde Scarborough, John B. Mullins, Maggie Bradley, John S. Scarborough, Mary A. Scarborough, Roscoe Scarborough, Maggie Scarborough, John Scarborough, Jr., William A. Freeman, Cusbell Freeman, Clyde Freeman, William L. Mullins, Guy M. Granbury, Robert N. Scarborough, Robert L. Scarborough, Oscar B. Scarborough, Burrell Scarborough, Richard Elery Scarborough, Ester Pearl Scarborough, James J. Berry, Earnest Berry, Roy W. Berry, Nellie Berry, Charlie Berry, Clyde Berry, Frank P. Berry, Margarete E. Phipps, Lucy E. Langford, Clinton O. Langford, Sarah E. Langford, Emina May Langford, Annie L. Langford, Johnnie Langford, Bertie Langford, John L. Oakes, Lawrence Oakes, Reuben F. Oakes, Guy Oakes, Daisy Oakes, Mary Agnes Oakes, Lucy Bond, Olah Bond, Amanda Eubanks, Sidney Ethel Dunnam, Frances Alma Mullins, Percy Hunter Dunnam, Millard Bond Dunnam, Maggie Ora Mullins, C. B. Granbury, Alf Scarborough, Sam Scarborough and Wesley Scarborough as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for applicants for the withdrawal of the applications made by John Scarborough for the identification of his wife, Lurena Scarborough; by Josie Carpenter for the identification of her husband, Ephraim Carpenter; by Margaret Sanders for the identification of her husband, Calvin Sanders; by Mattie McDowell for the identification of her husband, John S. McDowell; by Sallie Mullins for the identification of her husband, Benjamin Franklin Mullins; by Cornelius B. Scarborough for the identification of his wife, Massie Scarborough; by William A. Freeman for the identification of his wife, Etta Freeman; and by James J. Berry for the identification of his wife, Mary Berry, all as intermarried Mississippi Choctaws, and that the said applications were thereupon dismissed by the Commission, no further consideration of their cases is necessary.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the appli-

cation made by William D. Scarborough, for the identification of his wife, Fannie Scarborough, as an intermarried Mississippi Choctow should therefore be refused, and it is so ordered.”

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

Registered.

Acting Chairman.

4078
4771
4769

Muskogee, Indian Territory, November 26, 1902.

J. O. Pool,

Attorney at Law,

Huachuca, Texas.

Dear Sir:

You are hereby advised that on November 10, 1902, the Secretary of the Interior affirmed the decision of the Commission in the consolidated Mississippi Choctaw case of John Scarborough, et al., as to those applicants who claim identification as Mississippi Choctaws, and directs the Commission to advise the applicants, C. B. Granbury, Alf Scarborough, Wesley Scarborough and Sam Scarborough, that the decision rendered in their cases was based only on their applications for enrollment as citizens by blood of the Choctaw Nation, and that a further hearing would be afforded them if they so desire to present their claims as Mississippi Choctaws.

The Commission has this day addressed C. B. Granbury, Alf Scarborough, Wesley Scarborough and Sam Scarborough, letters of notification in regard to this matter, advising those applicants that they will be permitted thirty days from date hereof within which to submit their applications for identification as Mississippi Choctaws under the provisions of act of Congress approved June 28, 1898.

Respectfully,

Acting Chairman.

4078
4771
4769

Muskogee, Indian Territory, November 26, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on November 10, 1902, the Secretary of the Interior affirmed the decision of the Commission in the consolidated Mississippi Choctaw case of John Scarborough, et al., as to those applicants who claim identification as Mississippi Choctaws, and directs the Commission to advise the applicants, C. B. Granbury, Alf Scarborough, Wesley Scarborough and Sam Scarborough, that the decision rendered in their cases was based only on their applications for enrollment as citizens by blood of the Choctaw Nation, and that a further hearing would be afforded them if they so desire to present their claims as Mississippi Choctaws.

The Commission has this day addressed C. B. Granbury, Alf Scarborough, Wesley Scarborough and Sam Scarborough, letters of notification in regard to this matter, advising those applicants that they will be permitted thirty days from date hereof within which to submit their applications for identification as Mississippi Choctaws under the provisions of act of Congress approved June 28, 1898.

Respectfully,

Acting Chairman.

M.C.R. 4771.

Muskogee, Indian Territory, November 26, 1902.

Wesley Scarborough,
c/o J. O. Pool, Attorney at Law,
Nacona, Texas.

Dear Sir:

On May 31, 1902, the Commission advised you of the rendition of a decision on May 13, 1902, refusing your application for identification as a Mississippi Choctaw, and also of the forwarding of the record in the consolidated case of John Scarborough, et al., including your application for identification as a Mississippi Choctaw, to the Secretary of the Interior for review.

The Commission is now in receipt of a letter from the Secretary of the Interior, under date of November 10, 1902, affirming the decision of the Commission as to those applicants who claim identification as Mississippi Choctaws, and instructing the Commission to advise you that the decision rendered in your case is based only on your application for enrollment as a citizen by blood of the Choctaw Nation, and that a further hearing will be afforded you if you so desire to present your claim as a Mississippi Choctaw.

You are therefore hereby advised that you will be permitted thirty days from date hereof within which to submit your appli-

W. S. ----2.

oation for identification as a Mississippi Choctaw under the provisions of act of Congress approved June 28, 1898.

Respectfully,

Acting Chairman.

No.

441

For Identification as a Mississippi Choctaw.

Date Aug 1899

Name Wesley Dearbrough

Age 68 Blood

Post Office,

Father:

Mother:

Claims through

Children:

Stenographer

M. O. Green

Choctaw MCR 4772

Mary A. Ferguson .

See MCR 4006

MCR 4772

4772

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 19, 1902.

ooOoo

- In the matter of the application of Mary A. Ferguson
- for the identification of herself and her five minor children,
Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie
B. Ferguson and Loverd E. Ferguson, as Mississippi Choctaws.

ooOoo

Applicant represented by J. G. Falls, Attorney.

ooOoo

Mary A. Ferguson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary A. Ferguson.
Q What is your age? A Forty two.
Q What is your post office address? A Bridgeport, Wise
County, Texas.
Q How long have you lived at Bridgeport? A Six years.
Q Where did you live before that? A Collin County.
Q In Texas? A Yes sir.
Q Were you born in Texas? A Yes sir.
Q And have always lived in that state? A Yes sir.
Q Where were you born? A In Grayson County, near Sherman.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q You claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q What was your father's name? A William John Thompson.
Q What is your mother's name? A Her maiden name?
Q No, the name she has now? A Sarah J. Thompson.
Q Have you the proof of the marriage of your father and mother
with you at this time? A It can be produced here to-day.
Q Can you tell when they were married? A They were married in-
--- No, sir I can't.
Q Do you know when they were married - just answer the question
if you do or not? A I can't answer that question direct.
Q Do you know where they were married? A In Mississippi.
Q Do you know what place in Mississippi? A I can't tell you
that for certain.
Q You can introduce the proof of that marriage later, if
given time, can you not? A Yes sir.

Reasonable time will be allowed this applicant for
that purpose.

- Q Is your husband living? A Yes sir.
Q What is his name? A A. H. Ferguson.
Q Do you claim that he has any Choctaw blood? A No sir, I don't.

- Q He is a white man - he has no Indian blood? A No sir.
- Q Have you any children under twenty one years of age and unmarried for whom you wish to make application. A No sir.
- Q You have some under twenty one have'nt you? A Yes sir, I have five under twenty one and these three are mine.
- Q Are those who are under twenty one, unmarried? A Yes sir.
- Q Give me the name of the oldest? A Julia A. Ferguson.
- Q What is her age? A Her age is eighteen.
- Q And the name of the next oldest? A Jeffie.
- Q How do you spell it? A I have just J-e-f-f on my record.
- Q That's the way you want it to be spelled? A Yes sir.
- Q Is that a boy or girl? A Boy.
- Q How old is Jeff? A He's thirteen.
- Q The next? A Scotty S. Ferguson.
- Q Boy? A Yes sir, he's a boy.
- Q How old is Scotty? A He's ten.
- Q The next? A Georgie B.
- Q A girl? A Yes sir.
- Q How old? A Six.
- Q What is the name of the next? A Loved R.
- Q He is a boy? A Yes sir.
- Q He is how old? A He was born June 22, 1897.
- Q He is about four years old? A Four years old.
- Q The next? A That's all.
- Q You say you have some married children? A Yes sir. There's two are married, and this one is twenty-one; they are here to apply for themselves.
- Q You claim for yourself and your children do you? A Yes sir.
- Q Is A. H. Ferguson the father of these children? A Yes sir.
- Q And these children are all living with you at your home? A Yes sir.
- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory
- A I don't know that they are; I guess not.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896. A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and these children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A I do.
- Q Do you understand that article of that treaty? A I don't know that I do, fully.
- Q The treaty of 1830 was a treaty made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the State of Mississippi on the 27th day of September, 1830, and was made for the purpose of the removal of the Choctaw Indians, who lived in that old Choctaw Nation east of the Mississippi River, to the Choctaw Nation in the Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory

Mary A. Ferguson---3.

with the other Indians, and in order to protect them and their interests, article fourteen was drafted and put into the treaty of 1830. After it was inserted into the treaty, the treaty was signed, and after that, on the 24th day of February, 1831, it was ratified.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over 10 years of age; and a quarter section to such child as may be under 10 years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article enough to claim under it? A I think I do.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A Keshiah Thompson, maiden name Brashiers.
- Q What was the name of her husband? A Flemming J. Thompson.
- Q What relation was she to you? A She was my grand-mother.
- Q How much Choctaw blood did she have? A One quarter I think is what she claimed.
- Q That would make you one sixteenth? A Yes if I understand it right.
- Q Did she live in Mississippi in 1830? A I can't tell you.
- Q Did you ever hear that any of your Choctaw ancestors lived in Mississippi in 1830 and had a family there at that time.
- A I can't tell you that. I know grandmother lived in Mississippi but I can't tell what --
- Q Was she born in Mississippi? A No sir ^{she} was born in Alabama.
- Q Do you know what part of Alabama? A No sir I do not.
- Q Did she live in Alabama in 1830? A I can't tell you that.
- Q Do you know how old she would be if living now - or in other words, when she was born? A I don't know that I could tell you that.
- Q Do you know how old she was when she died? A She was seventy three years old when she died.
- Q And she died when? A She's been dead thirty-two years.
- Q She would be one hundred and five years old then now, would she not, if she was seventy-three when she died and died thirty two years ago that would make her one hundred and five years old if living now? A Yes sir.

Mary A. Ferguson --4.

- Q Now does that fact assist your memory at all in recalling whether or not she lived in Mississippi and Alabama in 1830 and had a family there then? A I don't know about that.
- Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I can't say.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent whose name was Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know whether they did or didn't.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I can't say.
- Q Did any of them own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I can't tell you that.
- Q Did any of them claim any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of the treaty of 1830.
- A No sir, I don't know.
- Q Did any of your Choctaw ancestors claim benefits as Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A No sir.
- Q You claim through your father William J. Thompson? A Yes sir.
- Q And he claims through his father? A His mother.
- Q Keshiah Thompson? A Yes sir.
- Q Did you say William J. Thompson claimed through his father or mother? A His mother.
- Q Through his mother? A Certainly.
- Q What was her maiden name? A Keshiah Brashiers.
- Q And what was her mother's name? A I can't tell you that?
- Q William J. Thompson claims through Keshiah Thompson?
- A Yes sir.
- Q Whose maiden name was Brashiers? A Yes sir. I claim through William J. Thompson - William J. Thompson is dead.
- Q You claim through your father and he claims through Keshiah Thompson? A Yes sir.
- Q The Choctaw Indians who lived in Mississippi after the treaty of 1830 was ratified, who refused to go to the Choctaw Nation Indian Territory under that treaty with the other Indians were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent whose name was Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States; a good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as "Ward's Register"; it is estimated that at least six thousand Choctaw Indians stayed back in the old Choctaw Nation, and of that number a considerable portion made application to Colonel Ward, under article fourteen, but his list contains the names of only seventy one heads of families out of that number; his neglect to make a proper list of the names of Choctaw Indians who went to his office within six months from the ratification of the treaty of 1830 and claimed benefits under it caused a good many Indians who had land in Mississippi

Mary A. Ferguson --5.

and Alabama to lose their land, for it was taken from them with improvements upon it and sold by the government at its public land sales; this caused a great many complaints among the Indians and as a result, Congress appointed a Commission, in 1837 by an act approved March 3 of that year, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842, by an act approved August 23 of that year Congress appointed another Commission for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Did your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of that treaty? A I don't know whether they did or did not.

- Q The act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also further appeared that he had had land in Mississippi which the government had taken from him and sold at its public land sales, that he should be entitled to select land in either Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given to him; these certificates were called scrip on those days. Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I can't say.
- Q Have you any evidence that you want to introduce further, in support of your claim -- any papers? A No sir.
- Q Would you like a little time in which to present other testimony or evidence? A I don't know that I have anything that would do any good.
- Q Have you any relatives who have been here claiming through Keshiah Thompson as a common ancestor? A Yes sir.
- Q Can you give the names of some of them? A I can give them all if you want me to. Dan Dumas, Scott S. Dumas, George Thompson--
- Q And a great many others I presume? A Yes sir.
- Q Do you want to have the testimony of these relatives of yours who claim through the same common ancestor through whom you claim taken into consideration with the testimony in your case. A Yes I do.

The case of Scott S. Dumas, et al., M.C.P. 4006 is the principal case under which all of these other cases will be consolidated where the applicant's claim through the same common ancestor.

- Q Do you speak or understand the Choctaw language? A No sir I don't.
- Q Is there anything more you want to say in support of this claim? A I don't know that there is; I know my grandmother could converse with Indians for I have heard her.
- Q Did she have a Choctaw Indian name? A I don't know.
- Q How well could she speak it? A I can't tell you that for I was small.

Mary A. Ferguson --6.

- Q What was her personal appearance? A She was dark complected.
Q Did she look as though she had-----
A High cheek bones - resembled all the Indians I have seen.
Q Did she look like a full blood? A No sir; her appearance was not as much as full blood.

This applicant has the appearance and physical characteristics of being descended from white persons; has medium dark complexion; brown eyes; dark hair; she does not understand the Choctaw language and has no knowledge of compliance on part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

ooOoo

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes, she reported in full, all proceedings had in the above entitled cause on the 19th day of February, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 24th day of February 1902.

ooOoo

J. Woodson
Notary Public

M.C.R. 4772.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 10, 1902.

George S. Cobb being first duly sworn testifies as follows
in the matter of the application for identification as
Mississippi Choctaws of Mary A. Ferguson, et al., M.C.R.
4772 :

Examination by the Commission:

- Q What is your name? A George S. Cobb.
Q What is your age? A Fifty four.
Q What is your post office address? A Caddo, Indian Territory.
Q You have lived there how long? A Between four and five
years, nearer five than four.
Q And your occupation is what? A In the mercantile business.
Q Where did you formerly live? A I formerly lived at Petty
Texas.
Q You are a court citizen in the Choctaw nation? A Yes sir.
Q You made application before the Commission under the act of
Congress of June 10, 1896 did you not? A Yes sir.
Q Your case was then decided adversely I suppose? A Yes sir.
Q And an appeal was taken to the United States District Court
at Ardmore Indian Territory? A Yes sir.
Q And you were then admitted were you not with your wife and
children? A Yes sir; my father and mother and all the fam-
ily lived up there and had for a long time.
Q Are you acquainted with Julia A. Ferguson? A Yes sir.
Q Are you related to her? A Yes sir.
Q What relationship exists between you and she? A She's a
first cousin.
Q You know where she lives now? A She lives in Caddo Indian
Territory.
Q How long has she lived there? A She came there about the
first of this month? A
Q The first of November? A Yes sir.
Q Well did the whole family move when she removed to Caddo?
A Yes sir.
Q What is her husband's Name? A Albert.
Q Did he also come with her? A Yes sir.
Q And children? A All those not married are with her.
Q Would you know the names of her children if you heard them?
A Yes sir.
Q Can you call them now? A I think I can call them; yes
there's William; he's married now. Jeffie, Lonnie and two
little ones now, a little girl, Georgia B., named for me and
the little boy younger;-- now I can't just get that fixed.
Q Did you mention the name of Scotty S? A I'm not certain
but what that's the little fellow's name but I won't say;
he's five years old.
Q Where did they live previous to going to Caddo? A They
lived in Wise County.
Q In what state? A Texas.
Q What is Julia A. Ferguson's husband's occupation in Caddo?
A Well he rents a farm; couldn't get possession of the farm
he has taken up his residence in Caddo until he can get
his farm.
Q He has no occupation now? A No sir.

- Q Is there anything further you want to state in support of your testimony for Julia A. Ferguson and as to her residence in the Choctaw Nation Indian territory; anything that you can think of? A I want to make the statement that we call Julia A. Ferguson, Mollie, but to the best of my belief her name is Julia A. Ferguson but we call her Mollie.
- Q Then your best opinion is that Julia A. Ferguson in whose case you have been testifying is the Ferguson you call Mollie. You never heard of her as Julia A.? A No sir. I want to testify that Julia A. is I think the name but we call her Mollie.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 10th day of November 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 19th day of November 1902

Clara Mitchell Wood
Charles H. Sawyer

Notary Public.

West

COPY.

TAMM BARRY
THOMAS B. HENRY
C. P. BECKIN
W. J. STANLEY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERENCE TO THE FOLLOWING

M. C. R. 4772.

ALLISON AYLSWORTH
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

Mary A. Ferguson,
Bridgeport, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

| | |
|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Creager, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Rosanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

| | |
|--------------------------------|---------------|
| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Dameron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Dameron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, I-om Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lulu K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Emis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Malhe T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Geanan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Annon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel L. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erna Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenn W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Monnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Chairman.

Registered.

REFER IN REPLY TO THE FOLLOWING

MCR 4772

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

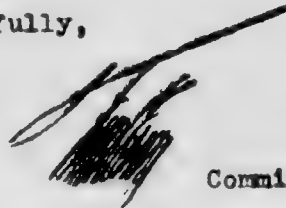
Muskogee, Indian Territory, January 22, 1906.

Mary A. Ferguson,
Bridgeport, Texas.

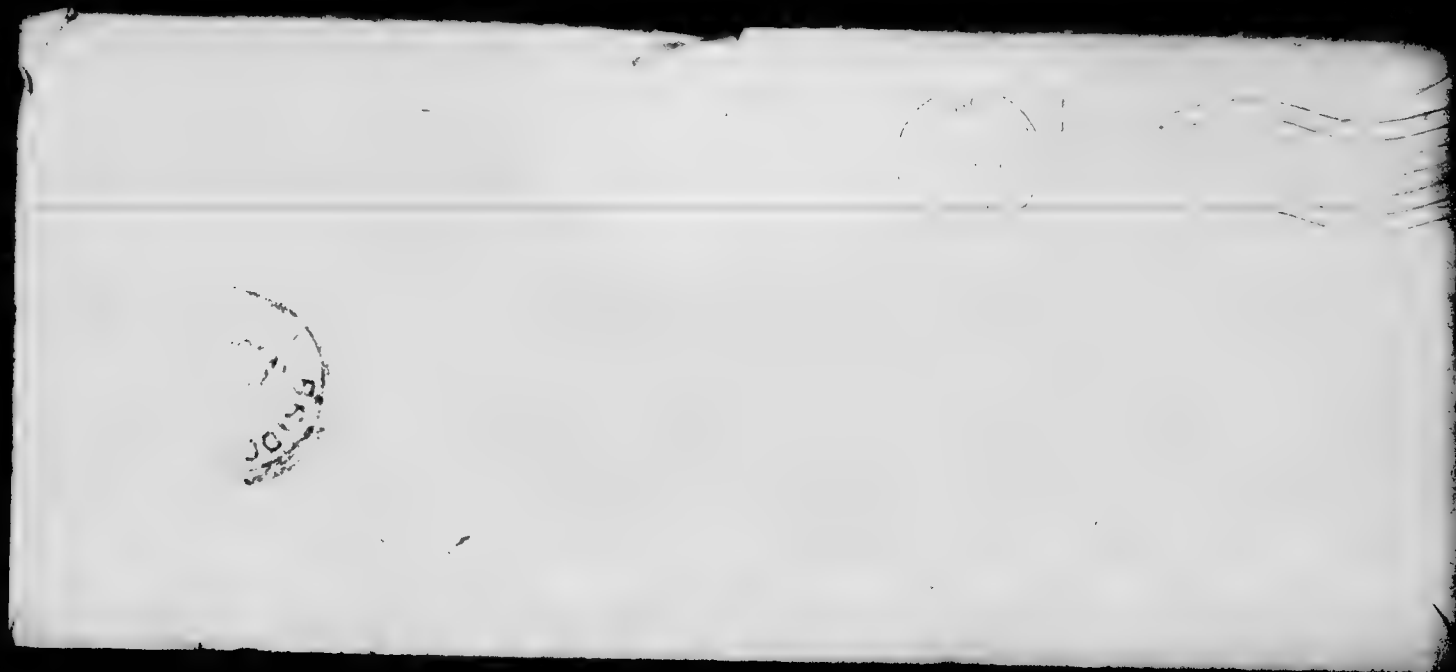
Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws, is a part.

Respectfully,



Commissioner.



4992

RETURN TO SENDER

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Mary A. Ferguson,

Bridgeport, Texas.

UNCLAIMED
BRIDGEPORT
TEXAS
JAN 10 1904

THEOR.
IZED TRIB.

RECEIVED

JUL 2 1903

[Handwritten signature]

CHAIRMAN



Noted sent to Creek
5/24/62

12120

Reg No. 142



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mary A. Ferguson,
Bridgeport, Texas.

REC



No. 4772

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date NOV 10 1902

Henry George S Cobb, witness
for John A. Ferguson et al
Age 54 Blood

Post Office, Caddo. I. T.

Father:

Mother:

Claims through

Children:

Stenographer

Charlton H. Wood

No. 4772

For Identification as a Mississippi Choctaw.

Date

FEB 19 1902

Name Mary A. Ferguson

Age 42 - Blood 1/16

Post Office, Bridgeport, Texas.

Father: William J. Thompson, d.

Mother: Sarah J. " l.

Claims through Father

Husband A. H. Ferguson, l. w.

No claim for
husband.

Children:

A.
Julia Ferguson, 18

Jeff " M. 13

Scotty S. " M. 10

Georgie B. " F. 6

Loverd E. " M. 4

Claims for self &
children

Stenographer Clara Mitchell Wood.

Choctaw MCR 4773

Vergie J. Powers

See MCR 4006

MCR 4773

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 MUSKOGEE, INDIAN TERRITORY, FEBRUARY 19, 1902.

ooOoo

In the matter of the application of Vergie J. Powers for identification as a Mississippi Choctaw and for the identification of her two minor children, Murray Powers and Maybell Powers as Mississippi Choctaws.

ooOoo

Applicant represented by J. G. Ralls, Attorney.

ooOoo

Vergie J. Powers being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Vergie J. Powers.
 Q What is your age? A Twenty-seven.
 Q What is your post office address? A Parvin, Denton County, Texas.
 Q How long have you lived at Parvin? A Eight years.
 Q Where did you live before you lived there? A In Collin County Texas.
 Q Have you always lived in Texas? A Yes sir.
 Q Born in Texas? A Yes sir.
 Q At what place were you born? A In Collin County, near Van Alstyne.
 Q Is your father living? A Yes sir.
 Q Is your mother living? A Yes sir.
 Q What is your father's name? A Albert H. Ferguson.
 Q What is your mother's name? A Mary A. Ferguson.
 Q Your mother has made application for identification before the Commission to day has she not, February 19th? A Yes sir.
 Q You therefore claim your Choctaw blood from your mother?
 A Yes sir.
 Q How much Choctaw blood do you claim? A One thirtysecond.
 Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the tribal authorities or the United States authorities in the Indian Territory? A I don't know.
 Q Is your husband living? A Yes sir.
 Q What is his name? A R. T. Powers.
 Q Do you claim any Choctaw blood for him? A No sir.
 Q What is his nationality then? A He's a white man I reckon.
 Q What is the name of your eldest child for whom you desire to make application? A Murray Powers.
 Q How old is he? A Three years old.
 Q What is the name of the next? A Maybell.
 Q How old is she? A Two.
 Q You claim for yourself and these two children? A Yes sir.

- Q Is R. T. Powers the father of these children? A Yes sir.
Q And these children are living with you at your home?
A Yes sir.
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory. A I dont know.
Q You have never lived in the Indian Territory have you?
A No sir.
Q Never heard that your names were enrolled by the Indians as members of that tribe did you? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw Nation? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896. A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Is this the first application that has ever been made for you or your children for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? A Yes sir.
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the identification of your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article? A I have heard it read; I think I understand it.
Q Would you like to have it further explained? A I think I understand it well enough.
Q It reads as follows:

"Each choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over 10 years of age; and a quarter section to such child as may be under 10 years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that? A Yes I think I understand it.
Q Do you know if any of your Choctaw ancestors ever complied with the provisions of that article of that treaty? A I dont know.

- Q That is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A Kesiah Thompson whose maiden name was Brashiers.
- Q Your great-grandmother? A Yes sir.
- Q How much Choctaw blood did she have? A One quarter.
- Q Did she live in Mississippi or Alabama? A I don't know.
- Q Did you ever hear that she lived in either one state or the other or both? A I have heard she lived in both.
- Q You have heard that in the family have you? A Yes sir I heard my mother say she did.
- Q How much Choctaw blood did she have? A I don't know how much she had.
- Q Did you ever hear that she had any? You claim your Choctaw blood from her do you not? A Yes sir.
- Q You claim one-thirtysecond? A Yes sir.
- Q Then you have heard she had some Choctaw blood? A Yes sir.
- Q And you heard she had one-fourth - heard that in the family? That she had one quarter? A Yes sir I heard that.
- Q Do you know how old she would be if living now? A She was seventy-three when she died - that would be one hundred and five.
- Q But you never did hear that she lived in Mississippi or Alabama in eighteen hundred and thirty and had a family of children then? A No sir.
- Q Did she or any of your Choctaw ancestors own or claim any improvements on land in Mississippi or Alabama in 1830?
- A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of eighteen and thirty? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did they claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830?
- A I don't know.
- Q The Choctaw Indians who remained in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent whose name was Colonel Ward and who had an agency in Mississippi at that time, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States; if they did this within ~~six~~ months after the ratification of that treaty their names should have been placed upon a list made by Colonel Ward known as "Ward's Register"; but a great many of the Indians who complied with the provisions of article fourteen of the treaty of 1830 and who went to Colonel Ward within the time limited

Vergie Powers --4.

in article fourteen failed to have thier names put on his list or in the register made by him; this caused a great many Indians who had had land in Mississippi and Alabama upon which they had improvements to lose both their land and improvements for both were taken from them by the government and sold at its public land sales. This caused so many complaints on the part of the Choctaw Indians that Congress in 1837 appointed a Commission by an act approved March 3 of that year; this Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830 and made a list of the names of those who came before it; in 1842 Congress appointed another Commission for the same purpose by an act approved August 23 of that year and this Commission also went to the state of Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. Did any of your Choctaw ancestors go before either of these commissions and claim benefits as Choctaw Indians? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and to supply the land which they had had in Mississippi which the government had taken from them and sold? A I don't know.

Q You never heard that? A No sir.

Q Who is Scott S. Dumas? A He's my second cousin.

Q He has made application to be identified as a Mississippi Choctaw? A Yes sir.

Q Does he claim through Keshiah Thompson? A Yes sir.

Q And Dan Dumas? A Yes sir.

Q Who is George Thompson? A He's my second cousin.

Q Who is Mary A. Ferguson? A My mother.

Q She made application today? A Yes sir.

Q Do you want to have the testimony and the records made in the cases of all of your relatives who have appeared before the Commission to be identified as Mississippi Choctaws claiming through Keshiah Thompson to be considered with yours? A Yes sir.

The case of Scott S. Dumas et al., number 4006 is the principal case in this group of consolidated cases and Keshiah Thompson is the common ancestor; it is herein referred to for reference in this case.

Q Have you any evidence that you would like to present now in support of this claim? A No sir.

Q Would you like further time for the production of testimony or evidence? A No sir.

A certified copy of the marriage license and certificate of marriage between R. T. Powers and Miss Vergie Ferguson is presented by this applicant, filed, marked exhibit A. and made a part of the record in this case.

Q Do you speak or understand the Choctaw language? A No sir.

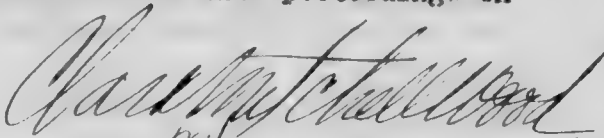
This applicant has the appearance and physical characteristics of being descended from white

Vergie Powers- 3

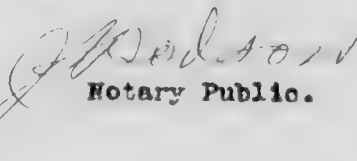
parentage. Has medium fair complexion; brown hair; does not understand the Choctaw language and has no knowledge of compliance on part of her ancestors with article fourteen of the treaty of 1830.

ooOoo

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full, all proceedings had in the above entitled cause on the 19th day of February, 1902, and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.



Subscribed and sworn to before me this 19 day of February 1902.



Notary Public.

ooOoo

IMMIS LINDERS
TAMM BERRY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. L. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

COPY.

REFRIN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

M. C. R. 4773.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

Vergie J. Powers,
Parvin, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

| | |
|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Creager, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

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|--------------------------------|---------------|
| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltz Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ohie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Chucho T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Gennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Amnon Wood, Willie A. Wood, Lesbe B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margaret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Annie P. Dumas, Minda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barton, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. D.)

Chairman

Registered.

MCR 4773

COPY

Muskogee, Indian Territory, January 22, 1906.

Vergie J. Powers,
Parvin, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws, is a part.

Respectfully,

Commissioner.

No.

1773

For Identification as a Mississippi Choctaw.

Date

Name Vergie J. Powers.

Age 27 — Blood $\frac{1}{32}$ ✓

Post Office, Parvin, Texas.

Father: Albert H. Ferguson, l.

Mother: Mary A. Ferguson, l.

Claims through ~~Husband~~ Mother.

R. T. Powers, l. w.

Claims nothing for
husband.

Children:

Murray Powers. 3

Maybell " 2

Claims for self &
2 children.

Stenographer Clara Mitchell Wood,

Choctaw MCR 4774

Willie E. Ferguson

See MCR 4006

MCR 4774

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 MUSKOGEE, INDIAN TERRITORY, FEBRUARY 19, 1902.

ooOoo

In the matter of the application of Willie E. Ferguson for the identification of himself as a Mississippi Choctaw and for the identification of his two minor children, Vergie B. Ferguson and Frank G. Ferguson as Mississippi Choctaws.

ooOoo

Applicant represented by J. G. Ralls, Attorney.

ooOoo

Willie E. Ferguson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Willie E. Ferguson.
 Q What is your age? A Twenty four years old.
 Q What is your post office address? A Bridgeport, Wise County, Texas.
 Q Is your father living? A Yes sir.
 Q Is your mother living? A Yes sir.
 Q What is your father's name? A Albert H. Ferguson.
 Q What is your mother's name? A Mary A. Ferguson.
 Q Through which parent do you claim Choctaw blood? A Mother.
 Q How much Choctaw blood do you claim? A One thirtysecond.
 Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
 Q Are you married? A Yes sir.
 Q Your wife is living? A Yes sir.
 Q What is her name? A Maud B. Ferguson.
 Q If she has no Indian blood what blood has she? A White.
 Q Do you make any claim for her? A No sir.
 Q How will you give me the name of your eldest child for whom you wish to make application? A Vergie B. Ferguson.
 Q How old is Vergie? A Two years old.
 Q The next? A Frank G. Ferguson.
 Q How old is he? A Seven months old.
 Q Do you claim for yourself and these children? A Yes sir.
 Q Is Maud B. Ferguson the mother of these two children and are they living with you at your home? A Yes sir.
 Q When and where were you married to her? A In Wise County, Texas.
 Q What date if you remember? A May 20th, 1898.
 Q By a Minister of the Gospel and under a license? A Yes sir.
 Q '98 is it? A That's right '98.
 Q When and where were you married? A Wise County, Texas, 1898, May 20th.

Willie F. Ferguson--2.

- Q Is that a certified copy of your marriage license? A Yes sir
Q You want to introduce it in this case? A Yes sir.

A certified copy of the marriage license and certificate between Willie Ferguson and Miss Maud Blackwood, is presented by applicant, is filed, marked exhibit A., and made part of the record in this case.

- Q Have you any other evidence you want to introduce at this time? A No sir.
Q Do you care for any time to produce further testimony or evidence in your case? A I don't.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.
Q You never made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q You never lived in the Indian Territory did you? A No sir
Q No one ever made application for citizenship for you? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A I have not.
Q Is this the first application of any kind that you have ever made for enrollment as a Choctaw Indian or for identification as a Mississippi Choctaw either to the Choctaw tribal authorities or the United States authorities? A Yes sir.
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the identification of these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A I don't know.
Q Do you want to have it explained to you? A Yes sir.
Q Article fourteen of the treaty of 1830 was put into that treaty in order to protect the interests of the Mississippi Choctaw Indians who lived in Mississippi and Alabama in the old Choctaw Nation up to the year 1830 and '31, and who, when the treaty of 1830 was signed announced that they would not go to the Choctaw Nation Indian Territory with the other Indians under that treaty. This treaty of 1830 was made between the United States government and the Choctaw tribe of Indians in order to affect the removal of all the Choctaw Indians who lived in that old Choctaw Nation in Mississippi and Alabama; it was signed on the 27th day of September, 1830 and ratified on the 24th day of February 1831. At least six thousand Indians refused to go to the Choctaw Nation in the Indian Territory with the other Indians and therefore their interests were protected under article fourteen which was drafted into the treaty, after which the treaty was signed: that article is as follows:

"Each Choctaw head of a family being desirous to

remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article? A I think I do.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw.
- A Keshiah Thompson, maiden name Keshiah Brashiers.
- Q What relation to you was she? A Great-grand-mother.
- Q How much Choctaw blood did she have? A One quarter.
- Q Did she live in Mississippi or Alabama? A I think she lived in both places.
- Q Did she live in either Mississippi or Alabama in the year 1830 and have a family there at that time? A I don't know.
- Q Did she speak the Choctaw language? A I don't know.
- Q Did she have a Choctaw Indian name? A I don't know.
- Q Do you know how old she would be if living now? A She was seventy three years old when she died and been dead thirty two years; that would be one hundred and five years old.
- Q You don't know what part of her life she lived in Mississippi or what part of her life in Alabama? A No sir.
- Q You claim through your mother do you not? A Yes sir.
- Q And she claims through whom? A William John Thompson her father.
- Q And he claims through Keshiah Thompson? A Yes sir.
- Q Was Keshiah Thompson's husband a white man? A Yes sir.
- Q What was his name? A Flemming J. Thompson.
- Q Did any of your ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or 1840? A I don't know.

Willie E. Ferguson--4.

- Q Did any of them own any land or claim any under article fourteen of the treaty of 1830 in Mississippi or Alabama?
- A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A I don't know.
- Q In 1837 by an act of Congress approved March 3 of that year a commission was appointed by an act of Congress which commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 by an act of Congress approved August 23 of that year, Congress appointed another commission which went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek; the reason for the appointment of these two commissions was that the Indians who stayed in Mississippi and Alabama after the treaty of 1830 was ratified were required under the provisions of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward at his agency within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States; a good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register and because he failed to do so a good many Indians lost land in Mississippi and Alabama, which was taken from them by the government and sold at its public land sales and it was to right the wrongs done to those Indians who had complied with article fourteen of the treaty of 1830 that these two different Commissions were appointed, one in 1837 and the other in 1842. Do you know if any of your Choctaw ancestors appeared before either of those two commissions and claimed benefits as Choctaw Indians under article fourteen of that treaty? A I do not.
- Q The act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830; if it also appeared that he had had land in Mississippi which the government had taken from him and sold, that he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given to him; these certificates were called scrip; did any of your Choctaw ancestors receive any such scrip as Choctaw Indians? A I don't know.
- Q Who is Scott S. Dumas? A A second cousin of mine.
- Q Dan Dumas? A Second cousin.
- Q George Thompson? A Second cousin.
- Q Mary A. Ferguson? A Mother.
- Q Vergie J. Powers? A Sister.
- Q These and a great many others have made application to the Commission to be identified as Mississippi Choctaws claiming through Resiah Thompson? A Yes sir.
- Q Would you like to have all the records and testimony made in the cases of all of your relatives considered with yours? A Yes sir.

Willie E. Ferguson --5.

Scott S. Dumas et al., M. C. R. 4006 is the leading case under which all of these other cases claiming through Keshiah Thompson as the common ancestor will be consolidated and is here referred to as a matter of reference.

Q Do you speak or understand the Choctaw language. A No sir.

The applicant has the appearance and physical characteristics of being descended from white parentage, dark complexion, blue gray eyes, light brown hair; does not understand the Choctaw language and has no knowledge of compliance on part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

ooOco

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of February 1902 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 24 day of February 1902.

J. H. Ferguson
Notary Public.

4770

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 10, 1902.

George S. Cobb being first duly sworn testified as a witness in the matter of the application of Willie E. Ferguson for the identification of himself and others as Mississippi Choctaws, as follows:

Examination by the Commission:

- Q What is your name? A George S. Cobb.
Q What is your age? A Fifty four.
Q What is your post office address? A Caddo, I. T.
Q How long have you lived in Caddo? A Four years.
Q Your occupation is what? A Mercantiling; I'm in the mercantile business.
Q Are you a court citizen of the Choctaw tribe of Indians in the Indian Territory? A Yes sir.
Q You made application did you for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A Yes sir.
Q What action was taken by the Commission in reference to that application? A Why I might say we were not recognized or admitted.
Q And an appeal was taken in this case? A Yes sir.
Q To what court? A Judge Townsend.
Q The court of which Judge Townsend was judge? A Yes sir.
Q United States District Court in the Indian Territory?
A Yes sir.
Q At Ardmore Indian Territory? A Yes sir.
Q And you were then admitted as a citizen of the Choctaw Nation by that court? A Yes sir.
Q Do you know Willie E. Ferguson? A Yes sir.
Q What relation to you is Willie E. Ferguson? A He's a second cousin of mine.
Q Is he a son of Mary A. Ferguson? A Yes sir.
Q Do you know whether Willie E. Ferguson is a resident in the Choctaw Nation or not? A Yes sir; he moved in there with his family.
Q Who were members of his family? A I'm not acquainted with his wife and children; they didn't come with him; he's there but they didn't go with him.
Q He's there alone is he? A Yes sir; they came with their cattle; came through in a wagon and the balance expect to follow him.
Q What time did he come to the Indian Territory? A About the first of this month.
Q About the first of November 1902. A Yes sir.
Q What is his business in Caddo? A He's going on farming.
Q His family isn't with him at present? A No sir.
Q Where did he live before he moved into the Territory?
A He lived in Wise County Texas.
Q What was his occupation there? A Farmer.
Q Is there anything further you want to testify in reference to this case? A That's all I know.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five

Geo. F. Cobb2

civilized Tribes she reported in full all proceedings had in the above entitled cause on the 10th day of November 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Coramut Chittenden

Subscribed and sworn to before me this 20th day of November 1902.

Charles H. Sawyer

Notary Public.

W. F. K.

COPY.

COMMISSIONER:
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4774.

ALLISON L. AYLESWORTH
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Willie E. Ferguson,
Bridgeport, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

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|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Creager, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

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|--------------------------------|---------------|
| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collum, James S. Collum, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Olie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edger Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edna D. Wade, German A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Farris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenora W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rabie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamom Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Chairman.

Registered.

REFER IN REPLY TO THE FOLLOWING

MCR 4774

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

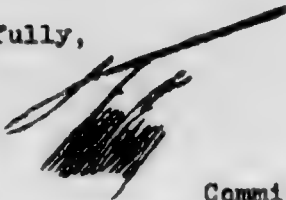
Muskogee, Indian Territory, January 22, 1906.

Willie E. Ferguson,
Bridgeport, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws is a part.

Respectfully,

A handwritten signature in dark ink, appearing to be "J. H. ...", with a large, dark, scribbled-out area below the signature.

Commissioner.



4774

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Willie E. Ferguson,

Bridgeport, Texas.



10

2 1903

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Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOCHEE, IND. TER.

OFFICIAL BUSINESS.

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Willie W. Ferguson,
Bridgeport, Texas.



No. 4774.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 10 1902

Name *George S. Cobb, witness in*
case Willie E. Ferguson et al
Age *54* Blood *(above case)*

Post Office, *Caddo, L.P.*

Father:

Mother:

Claims through

Children:

Steno-grapher

Chambers Wood

No.

4774

For Identification as a Mississippi Choctaw.

Date —

Name *Willie C. Ferguson.*

Age *24*

Blood

1/32

Post Office, *Bridgeport, Texas* —

Father: *Albert H. Ferguson* *l.*

Mother: *Mary A.* *l.*

Claims through *Mother*
wife *Maud B. Ferguson, l. w.*

Claim for wife —

Children:

Vergie B. Ferguson, 2
Frank G. " 7m.

Claims for self &
Children

Stenographer *Clara M. M. M.*

Choctaw MCR 4775

Alonzo A. Ferguson

See MCR 4006

MCR 4775

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 19, 1902.

4775

In the matter of the application for identification as a
Mississippi Choctaw of Alonzo A. Ferguson.

J. G. Ralls, attorney; no appearance.

Alonzo A. Ferguson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Alonzo A. Ferguson.
Q How do you spell that? A A-l-o-n-z-o.
Q What is your age? A Twenty-one.
Q What is your post office address? A Parvin, Denton County,
Texas.
Q How long have you lived at Parvin? A About one year.
Q Where did you live before that? A Bridgeport.
Q Where were you born? A Collin County.
Q What County is Bridgeport in? A Wise County.
Q Were you born in Texas? A Yes, sir.
Q What is your father's name? A Albert H. Ferguson.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Mary A. Ferguson.
Q Is she living? A Yes, sir.
Q She made application for identification on this date February
19, did she not? A Yes, sir.
Q You claim through your mother? A Yes, sir.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Territory?
A I don't know.
Q Are you married? A No, sir.
Q Claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in Indian Territory? A I don't know.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in Indian Territory?
A No, sir.
Q Did you ever make application for citizenship or any one for
you, in the Choctaw Nation to the Commission to the Five Civil-
ized Tribes under the act of Congress of June 10, 1896? A No,
sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation
by either the Choctaw tribal authorities, the Commission to the
Five Civilized Tribes or the United States Court in Indian Terri-
tory? A I don't know.
Q Well did you ever hear that anybody ever made application for you
or try to get you enrolled as a Choctaw Indian or did you ever for
yourself; have you any reason to believe that you have been ad-
mitted as a Choctaw Indian? A No, sir.

If there is any doubt about it we will have to look the records up; you think there is any question if you have been admitted or not? A I don't know.

- Q Well you ought to know whether you ever made application or whether any one ever made application for you; if you never lived in the Indian Territory you could not be enrolled? A No, sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir
- Q Do you understand that article of that treaty? A I don't know that I do.

The treaty of Dancing Rabbit Creek was entered in to in Mississippi on the 27th day of september 1830 between the United States government and the Choctaw tribe of Indians. At the time the treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama, along the Western boundry line. The object of the treaty was to secure the removal of the Choctaws from the Country occupied by them in Mississippi to the new country West of the Mississippi River, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made some of the Choctaws were unwilling to remove to the new Country West of the Mississippi River but preferred to remain in what constituted the old Nation. For the benefit of this class of Indians article fourteen was put into the treaty. That article is, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Qx Do you think you understand that article? A Yes, sir.
- Q Did any of your ancestors through whom you claim your right to be identified as Mississippi Choctaws comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Kaziah Thompson, maiden name Brashear.
- Q What was the name of her husband? A Flemming J. Thompson.
- Q What relation was she to you? A Great grandmother.
- Q How much Choctaw blood did she have? A One-quarter.
- Q Did she speak the Choctaw language? A I don't know.
- Q Did she have a Choctaw Indian name? A I don't know.
- Q Did she live in Mississippi or Alabama in the year 1830? A I don't know.

- Q Did you ever hear that she lived either in Mississippi or Alabama?
A Yes, sir.
- Q You do not know when she lived in either of these states? A No, sir.
- Q Do you know whether she ever lived in the old Choctaw Nation?
A No, sir.
- Q How old would she be if living now? A I don't know.
- Q You claim through your mother Mary A. Ferguson.
- Q Her maiden name was what? A Mary A. Thompson.
- Q Where was she born? A In Grayson County, Texas.
- Q She always lived in Texas did she not? A Yes, sir.
- Q Lives there now? A Yes, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation West of the Mississippi River with other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did they own or claim any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did they ever claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A I don't know.

The Choctaw Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified, were required if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent, whose name was Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. If they did this they might thereafter occupy lands in the old Choctaw Nation and if they occupied this land for five years they could get a deed for it from the government. A good many Indians went to Colonel Ward to his Agency in Mississippi within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, have land there and become citizens of the United States, whose names he failed to put upon his list known as Ward's register. His failure to do this caused a good many Indians to lose the land which they occupied in Mississippi and Alabama in the old Choctaw Nation upon which they had improvements. Both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians especially by those who lost their land so that Congress appointed a Commission by an act approved March 3, 1837, which Commission went to the State of Mississippi and heard claimants under article fourteen of that treaty. In 1842 Congress appointed another Commission for the same purpose by an act approved August 25, 1842, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under any article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under that article of the treaty of 1830; if it also further appeared that he had had land in Mississippi which the government had taken from him and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.
 Q Who is Scott S. Dumas? A He is my second cousin.
 Q Dan Dumas? A Same.
 Q George Dumas? A Same.
 Q Mary A. Ferguson? A My mother.
 Q Virgie J. Powers? A Sister.
 Q Willie E. Ferguson? A Brother.
 Q There are other relatives who have made application to be identified as Mississippi Choctaws who claim through Kaziah Thompson? A Yes, sir.
 Q Would you like to have the record in their cases considered with yours? A Yes, sir.

The case of Scott S. Dumas, et al., M.C.R. 4006, is here referred to as the number of the case of this group of consolidated cases as the principal case under which other cases will be consolidated of applicants claiming through the same common ancestor.

- Q Have you any evidence that you want to submit? A No, sir.
 Q You care to have time extended for the presentation of other testimony or evidence? A No, sir.
 Q Do you speak the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark complexion; dark hair and dark eyes; he has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 19, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

Subscribed and sworn to before me this 31st day of March 1902.

G. Rosenwinkel
[Signature]
 Notary Public.

COMMISSIONERS
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. F. STANLEY.

ALLISON L. AYLESWORTH
SECRETARY

COPY.

REFER TO FILE TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M. C. R. 4775.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Alonso A. Ferguson,
Parvin, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| June E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

| | |
|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Maie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Crenger, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Muck O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

| | |
|--------------------------------|---------------|
| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Verne Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Mona Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mollie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Sammie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel L. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Adele Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margaret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alva Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Monnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinky Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mammie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. C. D.

C. C. D.

Chairman

Registered.

MCR 4775

COPI

Muskogee, Indian Territory, January 22, 1906.

Alonzo A. Ferguson,
Parvin, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself as a Mississippi Choctaw is a part.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw

Date

Name *Alonzo A. Ferguson*Age *21* Blood *1/32*Post Office, *Parvin, Tex.*Father: *Albert H. Ferguson, l.*Mother: *Mary A. " l.*Claims through *mother*

Children:

*Claims for self alone*Stenographer *G. Rosenwald*

Choctaw MCR 4776

Jake Hardy

See MCR 5839

MCR 4776

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 19, 1902.

4976

In the matter of the application of Millard M. Hardy, for the identification as Mississippi Choctaws of his three minor children Jake, Claud and Mid Hardy.

B. S. Johnson, attorney; No appearance.

Millard M. Hardy being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Millard M. Hardy.
Q What is your age? A Forty-five.
Q You are a white man? A Yes, sir.
Q What is your post office address? A Waco, Texas
Q Do you make application for your minor children? A Yes, sir.
Q How many have you? A Three.
Q What is the name of the oldest child for whom you make application? A Jake Hardy.
Q J-a-k-e? A Yes, sir.
Q How old is he? A About six years old.
Q What is the name of the next child? A Claud.
Q C-l-a-u-d? A Yes, sir.
Q How old is Claud? A Four.
Q What is the name of the next? A Mid.
Q M-i-d? A Yes, sir.
Q How old? A He will be three in April.
Q Are these all boys? A Yes sir.
Q How much Choctaw blood do you claim for these children? A One-sixteenth.
Q Are you the father of these three children? A Yes, sir.
Q What is the name of the mother of these children? A Elizabeth Hardy.
Q Is she living or dead? A She is dead.
Q How much Choctaw blood did she have? A One-eighth I guess.
Q You think one-eighth is right? A Yes, sir; their great grandmother was a full blooded Indian.
Q That would be your wife's grandmother would it not? A Yes, sir.
Q When did Elizabeth the mother of these children die? A The 18th of April 1899.
Q Where did she die? A In Kirk, Limestone County.
Q In what state? A Texas.
Q When and where were you married to your wife Elizabeth? A In Limestone County.
Q Texas? A Yes, sir; in 1885.
Q By a minister and under a license? A Yes, sir.
Q Have you proof of that marriage with you? A No, sir.
Q You can produce that later? A Yes, sir.

A reasonable time is allowed for that purpose.

- Q Were you ever married before you married your wife Elizabeth? A Yes, sir.

#2

- Q You have no application to make for any other children? A No, sir.
- Q Was she ever married before her marriage to you? A No, sir.
- Q These are the only children she had? A Yes, sir.
- Q Has your wife Elizabeth ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
- Qx You claim for these children do you? A Yes, sir.
- Q Is the name of your wife Elizabeth on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Has she ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Did she ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A Not that I know of.
- Q Did she ever make application for her oldest son Jake Hardy for citizenship in the Choctaw Nation to the Choctaw tribal authorities or the Dawes Commission? A No, sir.
- Q Was she ever admitted with her children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q You now come before the Commission to identify these children as Mississippi Choctaws claiming through their mother under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A I don't know whether I do or not.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830 and afterwards on the 24th day of February 1831 it was ratified but, previous to the 27th day of September, before it became signed it became known that a good many Choctaw Indians were unwilling to go to the Choctaw Nation Indian Territory and in order to protect the interest of these Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with any of the provision of that article of that treaty or any of the ancestors of your children I mean? A I don't know sir.
- Q Do you think you understand that article? A Yes, sir.

- Q What is the name of the ancestors of these children through whom they claim and through whom their mother claimed? A Gates.
- Q What is the full name? A Phillip Gates.
- Q What relation was Phillip Gates to these children? A He was their great grandfather I guess.
- Q How much Choctaw blood did he have? A I believe one-half.
- Q Did Phillip Gates live in Mississippi or Alabama in the old Choctaw Nation in 1830? A I think he lived in Alabama near the line.
- Q In what County? A Franklin County.
- Q Did he live there in the year 1830? A I think so.
- Q Did he have a family there at that time do you know? A I don't know.
- Q How old would Phillip Gates be if living now? A I don't know.
- Q These children claim through their mother? A Yes, sir.
- Q How old would she be if living now? A I don't know.
- Q Don't you know how old your wife would be if living now? A She would be thirty-two.
- Q If living now? A Yes, sir.
- Q Is that all, only thirty-two? A She was twenty-five when she died and she died in 1899.
- Q She claimed through which parent father or mother? A Mother and father both I think.
- Q Did she claim through both her father and mother or would all the Indian blood come from Phillip Gates? A I don't know much about it to tell you the truth.
- Q That is the difficulty with white people making application for relatives who claim Indian blood. As a rule they don't know much about the claim of their relatives? A No, sir; I don't know much about it. My wife was an orphan when we married and she did not know much about her people.
- Q Did any of your wife ancestors own any improvements on land in Mississippi or Alabama in the year 1830? A Not that I know of.
- Q Did any of your wife's ancestors through whom you claim the right for these children to be identified as Mississippi Choctaws go to the United States Indian Agent within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of the Choctaw ancestors of these children own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of the Choctaw ancestors of these children claim any land in Mississippi or Alabama or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know sir.
- Q Did any of the ancestors of your children if Choctaw Indians claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know sir.

The Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required to go, if they wanted to take advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek, to the United States Indian Agent Colonel Ward, and tell him that they wanted to stay there, take land and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel

Ward failed to put upon his list known as Ward's register, and his failure to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both the land and the improvements which they had, both were taken from them by the government of the United States and sold. This caused a great many complaints among the Choctaw Indians and as the result of these complaints Congress appointed a Commission in 1837 and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission for the same purpose under an act approved August 23, 1842 of that year and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of the ancestors of your children go before either of these two Commissions and claim benefits under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, and if it also further appeared that he had had land in Mississippi which the government had taken from him and sold at its public land sales that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government lands and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians; any of the Choctaw ancestors of your children I mean? A I don't know.
- Q Have you any other testimony or evidence that you want to introduce now in behalf of your children by affidavits or anything of that kind? A Yes, to connect them with the family.
- Q You want to introduce this? A Yes, sir.
- Q This is spelled Claude do you want to have it spelled that way or not? A C-l-a-u-d is right.
- Q How do you want it spelled in this application? A I suppose you had better let it go C-l-a-u-d-e.
- Q Then you want it spelled C-l-a-u-d-e? A Yes, sir.

The sworn statement of M. M. Hardy, the father of these children and a white man presented by him, received, filed, marked exhibit "A" and made a part of the record in this case.

The ex parte affidavit of Lucinda Americus Stanford, signed by her on the 28th day of September, 1901, before B. S. Johnson, Notary Public, presented by this applicant but is not accepted by the Commission for the reason that in said affidavit Lucinda Americus Stanford fails to show her relationship to the children of Willard M. Hardy and fails to show the ancestor through whom this applicant makes application for these children. While she claims descent from one Phillip Gates, her grandfather, she fails to show that the Phillip Gates through whom these children claim is the same Phillip Gates as her ancestor. She nowhere states in her ex parte affidavit that these children had an ancestor named Phillip Gates.

The ex parte affidavit of John R. Britton made by him and subscribed and sworn to by him before B. S. Johnson, Notary Public, on the 23rd of September 1901, presented by this applicant is

refused for the reason that the said John H. Britton does not show his relation ship to these children for whom application is now made; does not show that they are descendants of an ancestor by the name of Phillip Gates and, while he himself claims to be descended from one Phillip Gates, who was his grandfather, he nowhere states that his grandfather Phillip Gates was in any way related to these children for whom application is now made and that his ex parte affidavit is altogether irrelevant for the purpose of showing the descent of these children from a Choctaw ancestor and that that Choctaw ancestors was named Phillip Gates.

A reasonable time is allowed this applicant in which to furnish other proof in support of this application which he makes for these children if he desires, if said proof is furnished in conformity with the rules of the Commission.

- Q They do not understand the Choctaw language any of them? A No, sir.
- Q What is the personal appearance of these children, take them up by name, Jake? A Jake has black hair; black eyed. Claud is light hair and black eyes. Mid has light hair and blue eyes.
- Q What relation is Lucinda Americus Stanford to these children? A She is their great aunt.
- Q She made application to be identified as a Mississippi Choctaw did she? A Yes, sir.
- Q Also Puss Rogers? A Yes, sir.
- Q What relation is Puss Rogers to these children? A Aunt.
- Q Does Lucinda Americus Stanford and also Puss Rogers claim through the same common ancestor Phillip Gates? A Yes, sir.
- Q Do you want the records made in their cases considered with the record made in the case of these children when both are taken up for consideration as well as the cases of all others who claim through the same common ancestor? A Yes, sir.

Lucinda Americus Stanford M.C.R. 3294, and Puss Rogers et al., M.C.R. 4438 are two applicants who claim the right to be identified, claiming through Phillip Gates as the common ancestor and whose cases and numbers are here referred to as a matter of record.

- Q Is there anything more you want to say? A No, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 19, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 26th day of March 1902.

Chas. W. H. H. H. H.
Notary Public.

Miss. Choc. 4776

Muskogee, Indian Territory, March 14, 1902.

E. S. Johnson,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twelfth instant, inclosing certified copy of marriage license and certificate between M. M. Hardy and Bettie Mitchell, offered for filing in support of the application made by Millard M. Hardy for the identification of his minor children, Jake Hardy, Claud Hardy and Mid Hardy, as Mississippi Choctaws. The same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 4776

Muskogee, Indian Territory, April 17, 1903.

Millard M. Hardy,
Waco, Texas.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucy Waltrip, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-----------------------|-------------|
| Lucy Waltrip, et al., | M.C.R. 5839 |
| John B. Waltrip, | M.C.R. 5840 |
| William M. Waltrip, | M.C.R. 5841 |
| And Bentley, et al., | M.C.R. 3053 |
| Jake Hardy, et al., | M.C.R. 4776 |
| Ustacia Moore, | M.C.R. 5908 |
| Nancy Counts, et al., | M.C.R. 5907 |

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the

Millard M. Hardy-2

evidence herein is insufficient to determine the identity of Lucy Waltrip, Luther G. Waltrip, John B. Waltrip, William M. Waltrip, Aud Bentley, Travis Bentley, Jake Hardy, Claude Hardy, Mid Hardy, Ustacia Moore, Naney Counts and Othel Counts as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Anna Bixby.*

Chairman.

Registered.

H.O.R.4776.

COPY.

Muskogee, Indian Territory, August 19, 1903.

Millard M. Hardy,

Waco, Texas.

Dear Sir:

You are hereby notified that on the 4th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucy Waltrip, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

No. 4776

For Identification as a Mississippi Choctaw.

Date

Name Millard M. Hardy (white)
for 3 minor children -
Age 45 Blood WHITE

Post Office, WACO, TEXAS.
of children

Father: Millard M. Hardy & W
of children

Mother: Elizabeth " d 1/8
children
^ Claims through their mother

Children:

Blood:

| | |
|-------------------|--------------------------------|
| <u>Jake Hardy</u> | <u>6</u> <u>m.</u> <u>1/16</u> |
| <u>Claud</u> " | <u>4</u> <u>m.</u> <u>1/16</u> |
| <u>Mid</u> " | <u>2</u> <u>m.</u> <u>1/16</u> |

The father (white) /
claims for his 3
minor children

Stenographer J. Rose initial

Choctaw MCR 4777

Maria Scott

See MCR 4765, 4626, 4627
4365, 4625

MCR 4777

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Maria Scott, et al., for identification as Mississippi Choctaws, consolidating the applications of

| | |
|------------------------------|--------------|
| Maria Scott, et al..... | M.C.R. 4777 |
| Sophronia Holmes, et al..... | M.C.R. 4765 |
| Ann Peoples, et al..... | M.C.R. 4626 |
| Mahala Poe, et al..... | M.C.R. 4627 |
| Rebecca Hoskins, et al..... | M.C.R. 4365 |
| Eliza Pittman, et al..... | M.C.R. 4625. |

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Maria Scott, et al.

Original application of Sophronia Holmes
to the Dawes Commission for the identification of her incompetent mother, Maria Scott, and her minor half-brother, Yandy Harrison, as Mississippi Choctaws.....1

Original application of Sophronia Holmes,
et al., to the Dawes Commission for identification as Mississippi Choctaws.....4

Sub
4777

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| | |
|---|-------|
| Original application of Ann Peoples,
et al., to the Dawes Commission for
identification as Mississippi Choctaws, | 10 |
| Original application of Mahala Pee
et al., for identification as Miss-
issippi Choctaws, to the Dawes Commission, | 17 |
| Original application of Rebecca Hoskins,
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tification as Mississippi Choctaws, | 23 |
| Original application of Eliza Pittman,
et al., to the Dawes Commission for
identification as Mississippi Choctaws, | 29 |
| Testimony of Vincent Waites, | 39 |
| Testimony of Cain Leggins, | 44 |
| Testimony of Devette V. Billingsly, | 47 |
| Printed brief in behalf of applicants, | 49 a. |
| Decision of the Commission refusing the
applications in the consolidated case of
Maria Scott, et al., for identification
as Mississippi Choctaws, .. | 50 |

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4777

Department of the Interior,
Commission to the Five Civilized Tribes,
Meridian, Mississippi, February 14, 1902.

In the matter of the application of Sophronia Holmes for the identification of her incompetent mother, Maria Scott, and her minor brother, Yancey Harrison, as Mississippi Choctaws.

Appearances:

S. A. Beadle, Attorney for Applicant.
A. W. Jones, Agent for Applicant.

Sophronia Holmes, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A Sophronia Holmes.
Q How old are you? A Thirty years old.
Q What's your post office address? A Minerva, Mississippi.
Q What county? A Montgomery County.
Q How long have you lived up there? A Been living there all my life.
Q You have heretofore appeared before the Commission as an applicant for identification as a Mississippi Choctaw? A Yes, sir, but I appear before the Commission at this time for the purpose of making application in behalf of my incompetent mother, Maria Scott.
Q Where does your mother, Maria Scott, live? A She lives in Montgomery County.
Q How far from you? A About five miles.
Q How long has she lived up there in Montgomery? A She's been living there ever since I knowed her.
Q Do you know where she lived before you were born? A No, sir, she told me she come from Holmes County; when I first knowed anything she lived in Montgomery.
Q Was she a slave? A No, sir.
Q You stated that she is an incompetent, did you? A Yes, sir.
Q Has she a legally appointed guardian? A Not that I know of.
Q Is she married? A Yes, sir.
Q Husband living? A Yes, sir, but he is old and feeble and almost impossible for him to get around.
Q To whom does your mother look for her support? A She looked to me more than she does the rest.
Q How old is she? A She says she's about sixty five as far as she knows.
Q How much Choctaw blood has she? A Half.
Q What's her post office address? A Lodi.
Q Her father living? A No, sir.
Q What was his name? A Austin.
Q Austin what? A Peeples.
Q Is her mother living? A No, sir.
Q What was her name? A Eady Peeples.
Q Through which one of her parents did your mother get her Choctaw blood? A Her mother.

Maria Scott, et al., 2.

- Q Do you know the name of Eady's father or her mother? A No, sir.
- Q Did you ever see Eady? A No, sir, I didn't see her.
- Q Where was she born? A I don't know, sir, where she was born.
- Q Where did she live during her life time? A I don't know, sir, where she lived. She was dead before I was born.
- Q What was her maiden name? A I don't know anything, just Eady Peoples.
- Q You claim she was a full blood Choctaw Indian? A Yes, sir.
- Q What makes you think she was? A My mother told me she was. My father he was raised - my grand mother raised my father too.
- Q Eady raised your father too? A Yes, sir, he said she was a full blood Indian.
- Q That's all you know about it? A Yes, sir.
- Q Has your mother any minor children? A Yes, sir one.
- Q What's his name? A Yancey Harrison.
- Q How old is he? A Seventeen.
- Q Is that boy living with your mother now? A No, sir, he aint living with her. He's working for wages with white folks.
- Q Where? A In Carrollton, in Webster County.
- Q What's the name of his father? A John Harrison.
- Q Has he any Choctaw blood? A Not that I knows of.
- Q Is he living? A I don't know, sir, whether he is living nor not.
- Q Is this boy a full brother of yours, or half brother? A Half brother.
- Q This application, then, is for your mother and one minor half brother? A Yes, sir.
- Q Is the name of your mother, or the name of this boy to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Has any application of any description ever been made before to-day for your mother or this child for the purpose of establishing their rights as Choctaw Indians? A No, sir, not that I knows of.
- Q Do y u appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for your mother and one minor half brother, under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q That 14th article was fully ~~as~~ explained to you in your examination and you understand it? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits thereunder? A No, sir.
- Q Did any of your ancestors appear before any of the commissioners appointed under Acts of Congress appointed between the years 1837 and 1842, and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I knows of.
- Q Did any of them ever get any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A Not as I knows of.
- Q So far as you know, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.
- Q You don't know of any one living who would likely know whether any of your people ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder, do you? A No, sir.
- Q You know of no written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
- Q Have you any written evidence to offer at this time? A No, sir.
- Q Any witnesses here to-day? A No, sir, there aint none here.

Maria Scott, et al., 3.

If you should find any witnesses whose testimony you desire to have taken by the Commission in support of this application, they may appear before the Commission here at Meridian, Mississippi, to-day or tomorrow, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Any further statements you want to make at this time? A No, sir.

(This affiant has the appearance of being a full blood negro, and shows no indication of being possessed of Indian blood. Her mother, Mary Scott, was before the Commission several days since, but, being an incompetent, was not permitted to make application. She had the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro predominates. She does not speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Meridian, Mississippi, on the 18th day of February, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Philadelphia, Mississippi, this 6th day of March, 1902.

L. B. Marley
Clerk U.S. Circuit Court,
Southern District of Mississippi

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

C. W.
C. W.

In the matter of the application of Maria Scott, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of-

| | |
|---------------------------|------------|
| Maria Scott, et al., | M C R 4777 |
| Sophronia Holmes, et al., | " 4765 |
| Ann Peoples, et al., | " 4626 |
| Mahala Poe, et al., | " 4627 |
| Rebecca Hoskins, et al., | " 4386 |
| Eliza Pittman, et al., | " 4625 |

--: D E C I S I O N :--

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Sophronia Holmes for her incompetent mother, Maria Scott, and
her minor half brother, Yancey Harrison; by Sophronia Holmes for
herself and her six minor children, Lillie, Maria, Julia, Richard,
Robert and Samay Holmes; by Ann Peoples for herself and her eight
minor children, George, Lera, Carney, Noah, Emma, Frank, Dewey, and
Govia Peoples; by Mahala Poe for herself and her two minor children,
General and Freddie Poe; by Rebecca Hoskins for herself and her
minor child, Alonzo Hoskins, and by Eliza Pittman for herself and
her three minor children, Nancy, Alice and Helon Pittman, and her

(2).

minor grand-child, Jefferson Lott, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Eady (or Radie or Edie or Edith) Peoples (or Wilson), who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who

(3).

heretofore were claimants thereunder, that the said Mady (or Fadie or Edie or Edith) Peeples (or Wilson), signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maria Scott, Yancey Harrison, Sophronia Holmes, Lillie Holmes, Maria Holmes, Julia Holmes, Richard Holmes, Robert Holmes, Sammy Holmes, Ann Peeples, George Peeples, Lera Peeples, Carney Peeples, Noah Peeples, Emma Peeples, Frank Peeples, Dewey Peeples, Govie Peeples, Mahala Pee, General Pee, Freddie Pee, Rebecca Hoskins, Alonzo Hoskins, Eliza Pittman, Nancy Pittman, Alice Pittman, Helon Pittman, and Jefferson Lott, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Muskogee, Indian Territory,

OCT 14 1902


Commissioner

Miss. Choc. 4777

Muskogee, Indian Territory, March 15, 1902.

Guy L. V. Emerson,

Clerk in Charge,

Meridian, Mississippi,

Dear sir:

There is inclosed you herewith original and three carbon copies of the testimony in the matter of the application of Sophronia Holmes for the identification of her incompetent mother, Maria Scott, and her minor brother, Yancey Harrison, as Mississippi Choctaws.

You will note that the date at the head of this application is February 14, 1902, while in the affidavit of the stenographer at the close of the application the date appears as February 13, 1902. The memorandum slip on file with this office shows that the case was heard on February 14, 1902. Please have the stenographer make the necessary correction in this testimony and return to the office in Muskogee as soon as practicable.

Yours truly,

9132-15

Commissioner in Charge.

Muskogee, Indian Territory October 14, 1902.

Maria Scott,

Lodi, Mississippi.

Dear Madam:-

You are hereby advised that on the 14th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maria Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------|--------------|
| Maria Scott, et al., | M.C.R. 4777 |
| Sophonra Holmes, et al., | M.C.R. 4785 |
| Ann Peoples, et al., | M.C.R. 4626 |
| Mahala Poe, et al., | M.C.R. 4627 |
| Rebecca Hoskins, et al., | M.C.R. 4365 |
| Eliza Pittman, et al., | M.C.R. 4625. |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maria Scott, Yancey Harrison, Sophronia Holmes, Lillie Holmes,

Marla Holmes, Julia Holmes, Richard Holmes, Robert Holmes, Sunny Holmes, Ann Peoples, George Peoples, Lera Peoples, Carney Peoples, Noah Peoples, Emma Peoples, Frank Peoples, Dewey Peoples, Govie Peoples, Alula Poe, General Poe, Freddie Poe, Rebecca Hoskins, Alonzo Hoskins, Eliza Pittman, Nancy Pittman, Alice Pittman, Helen Pittman, and Jefferson Holt, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the Treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R. 4777.

Muskogee, Indian Territory October 14, 1902.

S. A. Leadle,

Jackson, Mississippi.

Dear Sir:-

You are hereby advised that on the 14th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maria Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|--------------|
| Maria Scott, et al., | M.C.R. 4777 |
| Sophronia Holmes, et al., | M.C.R. 4760 |
| Ann Peoples, et al., | M.C.R. 4686 |
| Mahala Poe, et al., | M.C.R. 4627 |
| Rebecca Hopkins, et al., | M.C.R. 4368 |
| Eliza Pittman, et al., | M.C.R. 4623. |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 425) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maria Scott, Yancey Harrison, Sophronia Holmes, Lillie Holmes,

S A B 2

Maria Holmes, Julia Holmes, Richard Holmes, Robert Holmes, Sammy Holmes, Ann Peoples, George Peoples, Lera Peoples, Garney Peoples, Noah Peoples, Emma Peoples, Frank Peoples, Dewey Peoples, Govie Peoples, Mahala Poe, Freddie Poe, Rebecca Hoskins, Alonzo Hoskins, Eliza Pittman, Nancy Pittman, Alice Pittman, Helen Pittman, and Jefferson Lott, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

REK

Commissioner in Charge.

Muskogee, Indian Territory October 14, 1902.

A. W. Jones, agent

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 14th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maria Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|--------------|
| Maria Scott, et al., | M.C.R. 4777 |
| Sophronia Holmes, et al., | M.C.R. 4766 |
| Ann Peoples, et al., | M.C.R. 4626 |
| Mamula Poe, et al., | M.C.R. 4627 |
| Rebecca Hoskins, et al., | M.C.R. 4366 |
| Eliza Pittman, et al., | M.C.R. 4625. |

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maria Scott, Yancey Harrison, Sophronia Holmes, Lillie Holmes,

Maria Holmes, Julia Holmes, Richard Holmes, Robert Holmes, Mary Holmes, Ann Peoples, George Peoples, Tara Peoples, Carney Peoples, Noah Peoples, Isaac Peoples, Frank Peoples, Dewey Peoples, Govi Peoples, Wm. A. Peoples, General Peoples, Freddie Peoples, Rebecca Hoskins, Alonzo Hoskins, Eliza Pittman, Nancy Pittman, Alice Pittman, Helen Pittman, and Jefferson Kott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIC-PT)

Commissioner in Charge.

Muskogee, Indian Territory October 14, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maria Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------|--------------|
| Maria Scott, et al., | M.C.R. 4777 |
| Sophronia Holmes, et al., | M.C.R. 4778 |
| Ann Peoples, et al., | M.C.R. 4625 |
| Mahala Poe, et al., | M.C.R. 4627 |
| Rebecca Hoskins, et al., | M.C.R. 4365 |
| Eliza Pittman, et al., | M.C.R. 4125. |

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maria Scott, Yancey Harrison, Sophronia Holmes, Lillie Holmes,

Maria Holmes, Julia Holmes, Richard Holmes, Robert Holmes, Samy Holmes, Ann Peeples, George Peeples, Lora Peeples, Carney Peeples, Noah Peeples, Emma Peeples, Frank Peeples, Davey Peeples, Govie Peeples, Mahala Poe, General Poe, Freddie Poe, Rebecca Hoskins, Alonzo Hoskins, Eliza Pittman, Nancy Pittman, Alice Pittman, Helen Pittman, and Jefferson Lett, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

M C R 4777.

OPY.

Muskogee, Indian Territory, October 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Maria Scott, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 14, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

| | |
|--------------------------|------------|
| Maria Scott, et al., | M C R 4777 |
| Sophonra Holmes, et al., | M C R 4765 |
| Ann Peeples, et al., | M C R 4626 |
| Mahala Poe, et al., | M C R 4627 |
| Rebecca Hoskins, et al., | M C R 4365 |
| Elisa Pittman, et al., | M C R 4625 |

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the Commissioner
of Indian Affairs.
Enc. M C R 4777.

James D. Dyer
Acting Chairman.

Miss. Choctaw R4777

Muskogee, Indian Territory, November 4, 1902.

Maria Scott,

Minerva, Mississippi,

Dear Madam:

Receipt is hereby acknowledged of your letter of October 28, stating that you can secure additional evidence in support of your application for identification as a Mississippi Choctaw and asking if you can have your witnesses sworn there and their testimony taken there.

In reply to your letter you are advised that on October 14, 1902, the Commission rendered its decision refusing your application for the identification of yourself and your minor child as Mississippi Choctaws, and on the same date you were notified thereof, and that you would be allowed fifteen days from that date within which to submit argument in your case for the consideration of the Secretary of the Interior, through the Commissioner of Indian Affairs. The fifteen days having expired on October 29, 1902, the record in the case was on October 30, 1902, forwarded to the Secretary of the Interior for review. The Commission therefore considers this case closed.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 4777.

Muskogee, Indian Territory, December 5, 1902.

A. W. Jones, Agent.

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 31st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Maria Scott, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, December 5, 1902.

Hansfield, Mc Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Maria Scott, et al., of which decision you were advised by mail on the 14th day of October, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

Muskogee, Indian Territory, December 5, 1902.

S. A. Teadle,

Attorney at Law,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Maria Scott, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

SIGNED:

Acting Chairman.

M.C.R. 4777.

Shelburne, Indian Territory, December 5, 1902.

Maria Scott,

Lodi, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Maria Scott, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

Consolidated Page
of
Maria Scott et al

4771

(or Edie)
(or Edith)
Eady Peeples f.b.
dead
husband
Austin Peeples
(Slave)

MAR 477.
① Maria Peeples 65- $\frac{1}{2}$
husband
① Gus Peeples
③ Scott
② John Harrison

MAR
4777

Yancey Harrison 17

MAR
4765

Sophronia Peeples 30- $\frac{1}{4}$
married
Robert Holmes

MAR
4765

Lillie Holmes 12
Maria Holmes 10
Julia Holmes 8
Richard Holmes 5
Robert Holmes 3
Sammy Holmes 2 m

Edie Scott

(or Edie
Edith)

Eady

(or Wilson)

Peeples f. b.
dead

(or Peeples)
Jennie Wilson 62 or 59
(dead) $\frac{1}{5}$

married

① Grant Peeples
slave

② Tom Poe 62
(or Jimmie) slave

mer
4627

Mahala Poe 28- $\frac{1}{4}$

lives
with

① Jim Collins dead

② George Peeples

mer
4365

Rebecca Poe

married

Horace Hoskins
(negot w)

mer
4626

George Peeples 19

" Lera " 17

" Carney " 15

" Noah " 12

" Emma " 10

" Frank " 7

" Dewey " 5

" Sovie " 2

Will Peeples

mer
4628

⊕ General Poe 13

" Freddie Poe 9m

⊕ illegitimate children

mer
4365

Alonzo Hoskins 14

mcr
4625

Nancy Pittman 19

Alice Pittman 16

Helon Pittman 11

mcr
4625

Eliza Peeples 42-1/2

married

Wesley Pittman

Ada Pittman

dead

married

Dr. Lott (negro)

mcr
4625

Jefferson Lott 5

(or Edie)
(or Edith)Eady Peeples b.
Dead

(or Wilson)

husband

Austin Peeples
(Slave) dead

Anna Pittman

married

Doc. Pittman

Ed Pittman

Susan Brown

Malinda Hoskins

husband

Don Hoskins

Mahala Peeples
married
Jones

Ed Jones

Abner Peeples

Edith Peeples
Frank "
Austin "
Jane "

1788

No. 4477

For Identification as a Mississippi Choctaw.
Meridian Miss

Date FEB 11 1902

Name Maria Scott. (mes. parent)

Represented by her daughter Sophia J. Holmes.

Age 65 Blood 1/2

Post Office, Lodi, Miss.

Father: Austin Peeples

Mother: Eady

Claims through mother.

Claims for mother & minor
half brother

Children:

Yancey Harrison

17

Father John Harrison
No Choctaw blood.

R. A. Street

END
OF
ROLL

